

Agenda

Environmental Protection Commission

December 18, 1995

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

APPOINTMENTS:

Larry Bennett (declaratory ruling appeal)

1:15 P.M.

Agenda topics

1. Approve Agenda
2. Approve Minutes of November 20, 1995
3. Director's Report Larry Wilson (Information)
4. Financial Status Report and Budget Overview Stan Kuhn (Information)
- ~~deleted~~ 5. ~~By-product and Waste Search Service (BAWSS)~~
~~Contract Approval~~ Stan Kuhn (Decision)
6. Landfill Alternatives Financial Assistance Program Overview Teresa Hay (Information)
7. Monthly Reports Allan Stokes (Information)
8. Contract with Jacobs Engineering for As-built Air Construction Permits Allan Stokes (Decision)
9. Contract Approval - Development of Model Plans for Wellhead Protection for Public Water Supplies Affected by the Flood of 1993 Allan Stokes (Decision)
10. Grants to Counties - FY 1997 Allan Stokes (Decision)
11. State Revolving Fund, Intended Use Plan - FY 1996 Allan Stokes (Decision)
12. Notice of Intended Action--Chapter 134, Groundwater Professional Certification Allan Stokes (Decision)
13. Notice of Intended Action--Chapter 20, 23, and 29, Air Quality Allan Stokes (Decision)
14. Petition for Declaratory Ruling--Don E. Grell Allan Stokes (Decision)

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| 15. | Appeal of Declaratory Ruling--Larry L. Bennett | Allan Stokes (Decision) |
| 16. | Referrals to the Attorney General | Allan Stokes (Decision) |
| | a) Oscar Hahn (Solon) | |
| 17. | General Discussion | |
| 18. | Address Items for Next Meeting | |

**Next
Meeting
Dates**

January 16, 1996 (Tuesday)

February 19, 1996

March 18, 1996

ENVIRONMENTAL PROTECTION COMMISSION

December 18, 1995

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
James Riggsby	1325 22nd St	Des Moines 50311
Jane McAllister	Ahlens Law Firm	Des Moines
Ted Gilliam		IOWA CITY
Steven Murtens	G.R. Gazette	Cedar Rapids
Darlene Kruse	LFB	DSM
DAN VEST	GROWMARK	Bloomington, Ind.
Mark Duben	Howard R. Green Co.	Des Moines
Carla Kase	Des Moines Water Works	Des Moines
Todd Prevette	Environ Management	Ames
Patrick Fallop	Lee Newspapers	Des Moines
Rick Kelley	UHL	DMC
Helene Mahlen	Sunco Club	Des Moines, IA
Amy Christensen	Sullivan + Ward	DM
Larry Bennett	Larry Bennett	Runnells
Robin Petrey	Mid American	DM

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1995

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

DECEMBER 18, 1995

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, December 18, 1995, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Kathryn Draeger
William Ehm
Michael Fesler
Rozanne King, Chair
Charlotte Mohr, Secretary
Kathryn Murphy
Terrance Townsend

MEMBERS ABSENT

Verlon Britt
Gary Priebe, Vice-Chair

Chairperson King noted that Verlon Britt phoned and indicated he has a conflict with today's meeting. Gary Priebe is at home with the flu today.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Delete: Item #5 - By-Product and Waste Search Service Contract (previously approved by the Commission)

Motion was made by William Ehm to approve the agenda as amended. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Charlotte Mohr to approve the meeting minutes of November 20, 1995, as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

FINANCIAL STATUS REPORT AND BUDGET OVERVIEW

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the 11/30/95 division level YTD expenditure report. All divisions are within their budgets.

As part of this presentation, staff will began an overview of the State's and DNR's accounting and budget systems. The objective of this review is to provide commissioners a comprehensive picture of these systems including available data and limitations.

This review should be useful in improving the understanding of periodic financial reports and the budgeting cycle. Also, the State is moving toward a revised budgeting system and this information should help the Commissioners understand their role in that process.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 11/30/95	YTD Actual 11/30/95	Under (Over)
PERS SERV	1,004,589	1,038,827	394,754	364,416	30,338
PERS TRV IN	41,546	54,282	17,913	11,964	5,949
STATE VEHICL	4,535	7,431	3,121	1,879	1,242
DEPRECIATION	7,860	12,640	5,309	3,355	1,954
PERS TRV OUT	10,438	9,500	3,135	4,231	(1,096)
OFF SUPPLY	71,747	76,600	25,278	42,906	(17,628)
FAC MAINT SU	34	31,000	10,230	1,304	8,926
EQUIP MAINT	4,166	6,850	2,261	346	1,915
OTHER SUPPLY	63,923	58,400	19,272	26,560	(7,288)
PRINT & BIND	259,174	325,944	107,562	27,725	79,837
UNIFORMS	1,951	2,150	710	356	354
COMMUNICATIO	28,986	25,800	8,514	8,321	193
RENTALS	2,193	2,000	660	641	19
UTILITIES	187	750	248	62	186
PROF SERV	53,169	80,070	26,423	5,259	21,164
OUTSIDE SERV	31,516	26,550	8,762	14,352	(5,591)
ADVER PUB	0	5,000	1,650	0	1,650
DATA PROC	7,275	14,050	4,637	652	3,985
REIMBURSEMENT	3,896	6,175	2,038	136	1,902
EQUIPMENT	22,464	29,724	11,890	9,068	2,822
OTHER EXP	124	2,600	858	0	858
	1,619,773	1,816,343	655,222	523,533	131,689

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 11/30/95	YTD Actual 11/30/95	Under (Over)
PERS SERV	3,727,699	3,729,059	1,417,042	1,365,330	51,712
PERS TRV IN	32,873	42,850	14,141	15,126	(986)
STATE VEHICL	47,570	55,000	23,100	24,598	(1,498)
DEPRECIATION	68,730	75,500	31,710	29,085	2,625
PERS TRV OUT	7,148	8,500	2,805	4,364	(1,559)
OFF SUPPLY	339,910	355,500	117,315	98,059	19,256
FAC MAINT SU	2,020	16,000	5,280	893	4,387
EQUIP MAINT	46,662	53,000	17,490	13,208	4,282
OTHER SUPPLY	18,066	14,000	4,620	5,829	(1,209)
PRINT & BIND	25,145	23,000	7,590	5,034	2,556
UNIFORMS	6,031	2,500	825	669	156
COMMUNICATIO	101,812	108,100	35,673	31,673	4,000
RENTALS	184	500	165	263	(98)
UTILITIES	282	0	0	0	0
PROF SERV	52,024	70,000	23,100	25,976	(2,876)
OUTSIDE SERV	34,280	79,650	26,285	18,510	7,775
ADVER PUB	934	500	165	328	(163)
DATA PROC	44,611	91,000	30,030	85,357	(55,327)
AUDITOR REIM	169,503	175,000	57,750	30,428	27,322
REIMBURSMENT	182,696	118,650	39,155	64,626	(25,472)
EQUIPMENT	199,462	169,500	67,800	57,344	10,456
OTHER EXP	8,484	8,658	2,857	0	2,857
LICENSES	0	50	17	0	17
	5,116,126	5,196,517	1,924,914	1,876,700	48,214

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 11/30/95	YTD Actual 11/30/95	Under (Over)
PERS SERV	5,004,243	4,555,104	1,730,940	1,708,169	22,771
SEASONAL HELP	1,509,834	1,298,094	791,837	779,719	12,118
PERS TRV IN	72,955	58,550	19,322	22,788	(3,467)
STATE VEHICL	213,209	200,460	84,193	92,650	(8,457)
DEPRECIATION	292,147	304,150	127,743	105,622	22,121
PERS TRV OUT	4,357	7,585	2,503	3,070	(567)
OFF SUPPLY	55,853	37,200	12,276	12,617	(341)
FAC MAINT SU	517,700	570,409	268,092	214,017	54,075
EQUIP MAINT	363,110	312,298	146,780	163,685	(16,905)
AG CONS SUPP	55,354	34,035	15,996	10,593	5,403
OTHER SUPPLY	37,550	43,600	14,388	6,598	7,790
PRINT & BIND	28,417	28,000	9,240	7,572	1,668
UNIFORMS	37,322	34,077	11,245	22,062	(10,817)
COMMUNICATIO	97,981	105,250	34,733	32,597	2,136
RENTALS	42,930	38,050	17,884	22,020	(4,137)
UTILITIES	440,884	423,200	198,904	177,707	21,197
PROF SERV	52,839	105,165	34,704	4,851	29,853
OUTSIDE SERV	219,918	203,852	95,810	100,685	(4,875)
ADVER PUB	2,904	1,050	347	339	8
DATA PROC	2,846	5,000	1,650	334	1,316
REIMBURSMENT	8,012	7,375	2,434	856	1,578
EQUIPMENT	239,227	216,100	86,440	65,127	21,313
OTHER EXP	52	2,700	891	31	860
LICENSES	204	697	230	240	(10)
	9,299,848	8,592,001	3,708,582	3,553,949	154,633

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 11/30/95	YTD Actual 11/30/95	Under (Over)
PERS SERV	1,801,319	1,804,191	685,593	679,193	6,400
SEASONAL HELP	81,704	122,976	75,015	33,623	41,392
PERS TRV IN	40,119	42,800	14,124	17,231	(3,107)
STATE VEHICL	66,145	86,500	36,330	31,916	4,414
DEPRECIATION	133,805	138,500	58,170	50,095	8,075
PERS TRV OUT	8,189	8,800	2,904	3,133	(229)
OFF SUPPLY	27,792	25,870	8,537	9,406	(869)
FAC MAINT SU	49,992	33,500	11,055	12,193	(1,138)
EQUIP MAINT	57,760	49,000	16,170	19,728	(3,558)
AG CONS SUPP	125,118	113,000	37,290	23,017	14,273
OTHER SUPPLY	12,826	19,900	6,567	3,202	3,365
PRINT & BIND	3,419	26,200	8,646	2,653	5,993
UNIFORMS	13,640	14,300	4,719	1,583	3,136
COMMUNICATIO	39,189	39,669	13,091	15,783	(2,692)
RENTALS	39,257	38,000	12,540	6,032	6,508
UTILITIES	30,741	36,800	12,144	4,963	7,181
PROF SERV	19,546	8,820	2,911	233	2,678
OUTSIDE SERV	57,912	60,820	20,071	12,436	7,635
ADVER PUB	176	2,000	660	46	614
DATA PROC	666	2,000	660	195	465
REIMBURSEMENT	2,580	550	182	179	3
EQUIPMENT	140,782	71,861	28,744	21,211	7,533
OTHER EXP	0	0	0	11	(11)
	2,752,677	2,746,057	1,056,122	948,062	108,071

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 11/30/95	YTD Actual 11/30/95	Under (Over)
PERS SERV	2,340,475	2,445,164	929,162	887,873	41,289
PERS TRV IN	18,491	51,756	17,079	5,134	11,945
STATE VEHICL	10,970	14,000	5,880	4,929	951
DEPRECIATION	18,515	20,000	8,400	4,825	3,575
PERS TRV OUT	47,982	68,787	22,700	21,023	1,677
OFF SUPPLY	29,069	36,105	11,915	14,047	(2,132)
FAC MAINT SU	428	2,200	726	58	668
EQUIP MAINT	2,810	6,550	2,162	189	1,973
PROF SUPPLY	1,048	3,280	1,082	186	896
OTHER SUPPLY	29,162	61,561	20,315	5,767	14,548
PRINT & BIND	33,907	48,300	15,939	4,038	11,901
UNIFORMS	402	1,000	330	138	192
COMMUNICATIO	39,280	46,428	15,321	11,652	3,669
RENTALS	2,764	3,100	1,023	1,087	(64)
UTILITIES	18,227	16,400	5,412	3,932	1,480
PROF SERV	955,814	1,955,824	645,422	170,018	475,404
OUTSIDE SERV	57,518	134,270	44,309	22,848	21,461
ADVER PUB	624	1,000	330	387	(57)
DATA PROC	4,492	19,530	6,445	862	5,583
REIMBURSEMENT	8,164	6,635	2,190	1,561	629
EQUIPMENT	136,163	158,381	63,352	8,399	54,953
OTHER EXP	5,408	4,742	1,565	0	1,565
	3,761,713	5,105,013	1,821,059	1,168,953	652,106

ENVIRONMENTAL PROTECTION DIVISION

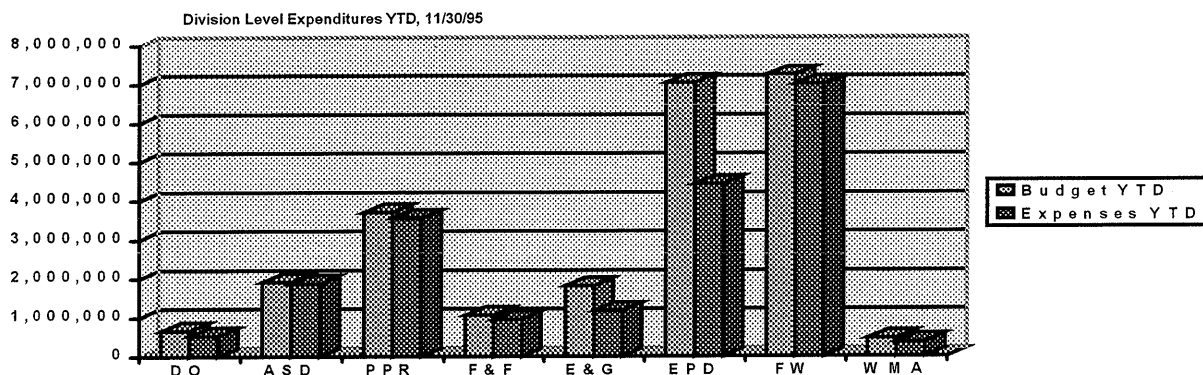
EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 11/30/95	YTD Actual 11/30/95	Under (Over)
PERS SERV	8,177,148	9,556,812	3,631,589	3,221,209	410,380
PERS TRV IN	55,513	130,807	43,166	21,415	21,751
STATE VEHICL	42,519	52,500	22,050	17,678	4,372
DEPRECIATION	56,720	76,500	32,130	23,335	8,795
PERS TRV OUT	72,774	193,332	63,800	32,661	31,139
OFF SUPPLY	98,251	127,557	42,094	33,811	8,283
FAC MAINT SU	3,133	4,300	1,419	1,836	(417)
EQUIP MAINT	16,909	19,750	6,518	3,434	3,084
PROF SUPPLY	0	1,250	413	0	413
OTHER SUPPLY	22,997	46,567	15,367	4,280	11,087
PRINT & BIND	74,754	109,600	36,168	20,356	15,812
UNIFORMS	4,773	7,600	2,508	1,347	1,161
COMMUNICATIO	177,611	177,850	58,691	52,179	6,512
RENTALS	87,694	119,500	39,435	41,929	(2,494)
UTILITIES	18,207	24,811	8,188	6,413	1,775
PROF SERV	2,667,560	6,716,468	2,216,434	761,474	1,454,960
OUTSIDE SERV	87,877	91,446	30,177	19,234	10,943
ADVER PUB	6,314	12,900	4,257	3,897	360
DATA PROC	189,747	217,106	71,645	32,969	38,676
REIMBURSEMENT	62,713	67,600	22,308	9,103	13,205
EQUIPMENT	956,082	1,746,333	698,533	122,839	575,694
OTHER EXP	15,213	12,720	4,198	0	4,198
	12,894,509	19,513,309	7,051,086	4,431,399	2,619,687

FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 11/30/95	YTD Actual 11/30/95	Under (Over)
PERS SERV	12,485,277	12,227,973	4,646,630	4,611,829	34,801
SEASONAL HELP	785,126	802,414	489,473	379,154	110,319
PERS TRV IN	371,415	355,522	117,322	126,802	(9,480)
STATE VEHICL	540,298	506,700	212,814	208,516	4,298
DEPRECIATION	680,640	753,316	316,393	287,335	29,058
PERS TRV OUT	33,831	48,400	15,972	17,369	(1,397)
OFF SUPPLY	276,247	303,868	100,276	74,579	25,697
FAC MAINT SU	377,293	458,687	151,367	117,307	34,060
EQUIP MAINT	451,909	350,636	115,710	201,200	(85,490)
PROF SUPPLY	0	10,000	3,300	0	3,300
AG CONS SUPP	340,020	366,258	120,865	126,404	(5,539)
OTHER SUPPLY	171,384	103,577	34,180	88,145	(53,965)
PRINT & BIND	218,479	283,625	93,596	94,156	(560)
UNIFORMS	161,845	132,575	43,750	29,783	13,967
COMMUNICATIO	293,531	204,100	67,353	92,915	(25,562)
RENTALS	57,169	65,035	21,462	16,718	4,744
UTILITIES	206,398	242,216	79,931	71,630	8,301
PROF SERV	343,892	392,780	129,617	173,899	(44,282)
OUTSIDE SERV	185,806	170,362	56,219	31,228	24,991
ADVER PUB	1,883	2,600	858	1,844	(986)
DATA PROC	74,037	64,000	21,120	20,171	949
REIMBURSEMENT	72,133	68,450	22,589	13,186	9,403
EQUIPMENT	1,219,428	951,034	380,414	230,441	149,973
OTHER EXP	44,003	34,353	11,336	1,575	9,761
LICENSES	1,053	300	99	0	99
	19,393,097	18,898,781	7,252,646	7,016,186	236,460

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 11/30/95	YTD Actual 11/30/95	Under (Over)
PERS SERV	766,664	782,200	297,236	283,674	13,562
PERS TRV IN	29,522	47,214	15,581	9,369	6,212
PERS TRV OUT	23,060	39,165	12,924	9,740	3,184
OFF SUPPLY	9,635	32,030	10,570	3,528	7,042
EQUIP MAINT	634	1,900	627	692	(65)
OTHER SUPPLY	24,011	45,445	14,997	5,454	9,543
PRINT & BIND	30,863	61,258	20,215	11,835	8,380
UNIFORMS	0	0	0	28	(28)
COMMUNICATIO	14,932	16,000	5,280	5,208	72
RENTALS	691	800	264	305	(41)
PROF SERV	75,578	123,897	40,886	300	40,586
OUTSIDE SERV	7,480	9,886	3,262	1,669	1,593
ADVER PUB	613	13,500	4,455	1,759	2,696
DATA PROC	4,157	4,750	1,568	450	1,118
REIMBURSEMENT	25,209	15,110	4,986	9,893	(4,907)
EQUIPMENT	14,702	63,400	25,360	23,960	1,400
OTHER EXP	5,796	6,650	2,660	0	2,660
	1,033,547	1,263,205	460,871	367,864	93,007



Mr. Kuhn reviewed the routine division reports. He stated that he and one of his staff were on a task force to help develop a new budgeting system for the state. He presented a brief overview of the State's accounting and budgeting system and forthcoming improvements to that system. Using new computerized overhead equipment he presented information covering the following topics in detail: Commission's Fiscal Role; Fund Accounting; DNR Funds; Iowa Financial Accounting System; Roll Ups; Cost Centers; Expenditure Objectives; Resources; Personnel and Salaries; Salary Adjustments; DNR's Time/Activity System; Overhead (Indirect) Costs; Indirect Cost Formula; DNR Indirect Rate History; and Fiscal Oversight. Mr. Kuhn noted that the overview should help the Commission understand their role in the budget process. He related that he will cover other budgeting process issues in the next two months.

Brief discussion followed.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Chairperson King announced public participation at 1030 a.m.; no one requested to speak.

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM OVERVIEW

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

OVERVIEW

The intent of the Landfill Alternatives Financial Assistance Program is to reduce the amount of solid waste generated and the amount of solid waste landfilled in Iowa. The mechanism to accomplish this is through providing financial assistance for the following solid waste management projects: public education, waste reduction at the source, recycling, reuse, research and development, demonstration, market development, combustion with energy recovery and combustion without energy recovery. Funding for this program comes from a portion of the solid waste tonnage fees as established by the Groundwater Protection Act of 1987.

The Landfill Alternatives Financial Assistance Program was developed in response to the evolution of waste reduction, recycling and other landfill diversion activities taking place across the state. In the spring of 1994, the Department of Natural Resources established an advisory committee with members representing the Environmental Protection Commission, counties, municipalities, business and industry, regional councils, and solid waste associations. The objective of this advisory committee was to offer input on how the former Landfill Alternatives Grant Program could best reflect current and future solid waste management issues and market development for recycled materials through landfill alternatives projects. The resulting Landfill Alternatives Financial Assistance Program was implemented beginning in December 1994 and replaced the Landfill Alternatives Grant Program.

FINANCIAL ASSISTANCE TYPES

There are two types of financial assistance awards available under this program, grants and zero interest loans. The type of award offered to an applicant recommended for funding is dependent upon the type of project being proposed.

Grants are offered to applicants for public education projects, waste reduction projects, research and development projects, and demonstration projects that are innovative or new to the State of Iowa.

Zero interest loans are offered to applicants for all other eligible projects. The term of loan is negotiated on a case by case basis and is based on the specific capital costs financed as well as terms of other financing provided for the project. Guidelines the Department has used in negotiating the term of loan is five to seven years for equipment purchases and up to ten years on building construction. These term of loan guidelines are consistent with Iowa lending

institutions, Department of Economic Development financial assistance programs, and guidelines of the Small Business Administration.

In some cases, a combination grant and zero interest loan award is offered to the applicant. This combination award arises when only a portion of the project's costs are determined to be grant eligible but the project could not be implemented by funding only grant eligible items. An example would be construction of a building that would house a waste reduction project. Building construction could be offered a zero interest loan and the equipment necessary to achieve a reduction in the amount of solid waste generated could be offered grant assistance.

ELIGIBLE APPLICANT and FINANCIAL ASSISTANCE DENIAL

To be eligible to receive financial assistance through this program, the applicant must be one of the following: any unit of local government, public or private group, business or individual with an interest in or having responsibility for solid waste management in Iowa. The applicant must also be in compliance with all applicable Department statutes and regulations.

An applicant may be denied financial assistance for any of the following reasons:

- funds are not sufficient to award financial assistance to all qualified applicants;
- the area in which the proposed project is located or implemented does not have an approved solid waste comprehensive plan or has not submitted a subsequent solid waste comprehensive plan by the assigned deadline or does not have a legally permitted landfill;
- an applicant does not meet eligibility requirements or does not provide sufficient information requested in the application forms;
- an applicant that has previously received a loan through this program is determined to be delinquent in repaying the loan; and
- project goals or scope is not consistent with those of this program.

APPLICATION REVIEW AND SELECTION PROCESS

Two funding periods are held each year with application deadlines the first Monday in June and the first Monday in December. Application review is conducted by a three person committee comprised of staff from the Department representing the Waste Management Assistance Division and the Environmental Protection Division. First, review team members individually review applications before meeting as a group to discuss each application and develop a list of recommended projects. Second, the review team coordinator meets with the WMAD Administrator to finalize recommendations for projects. The Environmental Protection Commission is then presented with the list of selected projects and contracts are drafted. Contracts for awards in excess of \$25,000 are presented to the Environmental Protection Commission for approval. Upon receiving Environmental Protection Commission approval, contract negotiations may begin and the Department holds a contract meeting with the applicant.

EVALUATION CRITERIA

The application and guideline booklet contains four separate application forms which correspond to the types of projects eligible for financial assistance (public education, waste reduction, research and development/ demonstration and loan eligible projects). Each

application/project type has evaluation criteria unique to that project type. A detailed description of the evaluation criteria for each application/project type can be found in the attachment. However, in general, applications are reviewed based on the following criteria:

- Project Planning, Experience, and Commitment;
- Project Compatibility and Support;
- Project Effectiveness;
- Project Impact;
- Project Evaluation;
- Technical and Economic Feasibility and Transferability; and
- Ability to Repay (loan projects only)

The Commission was provided a copy of the Landfill Alternatives Financial Assistance Program, Application and Guideline Booklet at the November meeting for your information. This booklet includes the administrative rules and provides a history of the program, discusses application requirements, application review procedures, provides application forms, and discusses each of the evaluation criteria in more detail.

Since 1988, 166 grants, nine (9) zero interest loans and two (2) combination grant/zero interest loans have been awarded for a total of \$21,591,570 in financial assistance.

How many have been successful?

The results of all 177 projects receiving financial assistance through the Landfill Alternatives Grants Program and the Landfill Alternatives Financial Assistance Program are successful in that each project provides the Department a great deal of technical information on various methods of waste reduction, recycling, manufacturing products with content, public education, etc. This information allows the Department to provide informed technical assistance to entities requesting such information.

How many have failed and where did awarded funds go?

Four (4) financial assistance recipients have ceased operations and assets have been sold. In each case, the business became operational and experienced cost savings or market potential. Facility closings were a result of general business conditions and not a result of improper or invaluable technology.

Article V, Scope of Work in all contracts, contain the following reimbursement clause in the event the project ceases operations. This contract section states:

In the event that the Project fails or ceases operations as originally proposed for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract and without prior Department approval, the Department shall be reimbursed an amount equal to the estimated current fair market value for all nonexpendable tangible personal property used in the performance of this Contract. In the event any nonexpendable tangible personal property item or items purchased or constructed, in which grant funds were used, are sold and proceeds from that sale are

used for other than acquisition of comparable replacement items for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used in the original purchase or construction of the nonexpendable tangible personal property. For the purposes of this contract, nonexpendable tangible personal property, includes but is not limited to, vehicles, trailers, collection and processing equipment, building construction, building remodeling, and scales. For the purposes of this contract, comparable replacement items means items that maintain the intent of the Project.

Recipients whose projects have ceased operations and assets have been sold include Recycling Services Associates, Ltd., Aldan Lane Company, Waste Resource Recycling and Creston Greenhouse. A description of these projects follows.

Resource Recycling Associates, Ltd.

City of Jefferson

Greene County:

The project was awarded \$255,000 during the Spring 1991 round of funding. The project involved developing an alternative landscape timber from shredded rubber and plastic. The product was unique in that it combined rubber and plastic (HDPE and PET) into a final product. The project entered the production stage in the fall of 1992. However, their primary markets (i.e., Menards) would not place orders until the following spring causing problems with cash flow. Processing began in the spring of 1993 and was temporarily stopped by a fire which caused a significant amount of damage to equipment and building. The fire interrupted operations and again postponed their primary markets from placing orders for another year. The facility resumed operations but the combination of the above factors resulted in the company being forced to shut down in 1994.

At the closing of this facility, outstanding debt totaled about \$700,000. An auction of the company's assets was held and produced an estimated \$250,000 and ownership of the building being purchased reverted. Income generated by the auction was not sufficient for the Department to realize reimbursement for the research and development investment.

Aldan Lane Company

City of Kalona

Washington County:

The company received a \$93,000 grant to expand their production of plastic lumber during the December 1993 grant round. The company served as a recycled plastics market for several Iowa recyclers and began manufacturing plastic lumber in the spring of 1991. Due to financial constraints, the company's operations ceased during the fall of 1995.

An auction, sponsored by the Small Business Administration, was held November 21, 1995. The facility was purchased by Nick Jansen, owner of Alket Industries, Inc. located in Colorado Springs, Colorado. The new owner will reopen, under a new name, and continue to manufacture recycled plastic lumber at the present location. The Department will not seek reimbursement as grant funded items will continue to be used for their intended purpose under new ownership.

Waste Resource Recycling

City of Iowa Falls

Hardin County:

The company received a \$200,000 grant in 1988 to construct and operate a recycling center using Lundell technology. The Lundell system is the mechanized separation of recyclables and compostables from the municipal solid waste stream. The facility was in operation for approximately three (3) years serving the recycling and composting needs of Butler, Hardin and Wright Counties. Waste Resource Recycling was purchased (1991) and operated by Heartland Recycling until 1994. In 1995, the facility's assets were auctioned. Conditions of the contract were successfully fulfilled and therefore, the Department had no claim for reimbursement.

Creston Greenhouse**City of Creston****Union County:**

The company received a \$44,000 grant in the Spring 1990 round of funding. The project was developed to show the feasibility of using waste motor oil as an alternative energy source replacing natural gas as a fuel for heating in a greenhouse setting. Benefits derived from the project included reduced energy costs and the safe removal of waste oil from the environment for a beneficial use. The project became operational in 1992 with positive results in energy savings and waste oil collected.

The owner of Creston Greenhouse filed for bankruptcy during 1993. The Union County Board of Supervisors held an auction to sell assets of the greenhouse. The Department approved the sale of these items, provided they were sold for their intended purpose, to burn waste oil for heat. Such assurances were given the Department by Union County. Income from the sale went to pay back taxes owed by Creston Greenhouse.

Ms. Hay stated that most of the information is the same as was provided last month except there is additional information on projects that have been successful or have failed. She explained that assets of the failed projects were sold to recoup some of the department's money.

Charlotte Mohr asked why RoseBar is not on the list.

Ms. Hay stated that RoseBar ceased operations for a while but bankruptcy has not been declared and there has been no move to sell the assets. She added that they are looking at ways they might still be able to come into compliance.

Terrance Townsend asked if there is an available listing of each project with the dollar amounts and a summary of their projects.

Ms. Hay responded affirmatively and related that she will provide the list to the Commission later in the day.

Kathryn Draeger asked if there is information on which projects have been successful technology-wise.

Ms. Hay stated that the case studies include how a project did, or did not, work out.

INFORMATIONAL ONLY

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
December 1, 1995

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20,22,23, and 29 - AQ Rules Update & Waiver of Title V Applicability for Small Sources - MACT	12/18/95	*1/17/96	*2/12/96	*2/ /96	*3/18/96	*3/18/96	*4/17/96	*5/13/96	*5/22/96
2. Ch. 22 - Background Values for PM-10 AMENDED NOTICE	6/19/95 6/19/95	7/19/95 8/16/95	8/14/95 9/05/95	10/18/95	NOTICE *1/16/96	AMENDED *1/16/96	*2/14/96	*3/11/96	*3/20/96
3. Ch. 22 - New Source Review - Non-Attainment Areas	10/16/95	11/08/95	12/13/95	12/08/95	*1/16/96	*1/16/96	*2/14/96	*3/11/96	*3/20/96
4. Ch. 22 - AQ Construction Permit Exemptions	10/16/95	EMERGENCY 11/08/95	12/13/95	12/08/95	10/16/95 *1/16/96	10/16/95 *1/16/96	11/08/95 *2/14/96	12/13/95 *3/11/96	10/20/95 *3/20/96
5. Ch. 22 - Air Quality Budget Rules	10/16/95	11/08/95	12/13/95	12/11 /95	*1/16/96	*1/16/96	*2/14/96	*3/11/96	*3/20/96
6. Ch. 40, 43 - Water Supply Permit Fees	9/19/94	10/12/94	11/07/95	11/01/94 11/02/94 11/03/94 11/04/94	1/17/95	1/17/95	2/14/95	3/14/95	Delayed
7. Ch. 40, 43 - Water Supply Permit Fees	8/21/95	9/13/95	10/11/95	10/03/95 10/04/95 10/05/95 10/06/95	11/20/95	NOTICE OF TERMINATION 11/20/95	12/20/95	*1/17/96	*1/24/96
8. Ch. 47 - Grants to Counties	7/17/95	8/16/95	9/13/95	9/07/95	11/20/95	11/20/95	12/20/95	*1/17/96	*1/24/96
9. Ch. 61 - WQ Standards - Nationwide Permits	11/20/95	12/20/95	*1/17/96	-----	*2/19/96	*2/19/96	*3/13/96	*4/10/96	*4/17/96
10. Ch. 65 - Animal Feeding Operations	10/16/95	11/08/95	12/13/95	12/4-5/95 12/7/95 12/12/95 12/14/95	*1/16/96	*1/16/96	*2/14/96	*3/11/96	*3/20/96
11. Ch. 83 - Laboratory Certification	10/16/95	11/08/95	12/13/95	12/14/95 12/01/95 12/04/95 12/06/95 12/08/95 12/11/95 12/13/95	*1/16/96	*1/16/96	*2/14/96	*3/11/96	*3/20/96
12. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds.	10/16/95	11/08/95	12/13/95		*1/16/96	*1/16/96	*2/14/96	*3/11/96	*3/20/96
13. Ch. 134 - Groundwater Professional Certification	12/18/95	*1/17/96	*2/12/96	*1/ /96	*2/19/96	*2/19/96	*3/13/96	*4/10/96	*4/17/96
14. Ch. 135 - Underground Storage Tanks	7/17/95	8/16/95	9/12/95	9/06/95	11/20/95	11/20/95	12/20/95	*1/17/95	*1/24/96

* Projected

Monthly Variance Report						
Nov. 1995						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Kendrick Forest Products-Edgewood	Air Quality		Trade Waste	Denied	11/01/95
2	Pocahontas County Conservation Board	Air Quality		Trade Waste	Approved	11/01/95
3	Ralston Purina Company-Davenport	Air Quality		Permit Requirements	Approved	11/14/95
4	Iowa Falls, City of	Wastewater Construction	Fox Engineering	Sludge Holding Tank-Aeration & Mixing	Approved	11/01/95
5	Iowa Falls, City of	Wastewater Construction	Fox Engineering	Site Separation	Approved	11/20/95
6	Maquoketa, City of	Wastewater Construction	Shive-Hattery Engineers & Architects, Inc.	Sludge Lagoon-Aeration	Approved	11/01/95
7	Council Bluffs Energy Center Railway-Railroad Bridge #3.1-Council Bluffs	Flood Plain	Calhoun-Burns & Associates	Freeboard	Approved	11/01/95
8	Council Bluffs Energy Center Railway-Railroad Bridge #5.4-Council Bluffs	Flood Plain	Calhoun-Burns & Associates	Freeboard	Approved	11/01/95
9	Hickory Grove Lake Dam-Story County	Flood Plain	Shuck-Britson, Inc.	Storm/Storage Capacity	Approved	11/28/95
10	Middle Fork Medicine Creek Dam-Wayne County	Flood Plain	Wayne County Engineer	Storm/Storage Capacity	Approved	11/14/95
11	Otter Creek Bridge-Franklin County	Flood Plain	Franklin County Engineer	Percent Length Reduction	Approved	11/14/95
12	Kind & Knox Gelatine, Inc.-Woodbury County	Wastewater Operation		Monitoring Frequency	Approved	11/15/95
13	Harper, City of	Watersupply Construction	Garden & Associates, Inc.	Duplication Requirements	Denied	11/27/95

NUMBER OF LUST CLEANUPS COMPLETED

During the period of November 1, 1995 through November 30, 1995, the following number of LUST cleanups were completed:

13(1017)

The number in parentheses represents the total number of LUST cleanups through November 30, 1995.

Report of Hazardous Conditions

During the period November 1, 1995, through November 30, 1995, 52 reports of hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
11/01/95 Warren	A large engine in a turbine leaked, releasing 350-400 gallons of diesel fuel into a secondary containment basin. The basin has a clay liner, so no impacts to groundwater or surface are anticipated.	Indianola Municipal Utilities 111 S. Buxton Indianola, Iowa 50125	Sump pits were dug and diesel fuel was recovered and collected in drums. Contaminated soil and gravel was excavated and disposed of at a landfill.
11/04/95 Polk	A semi truck driver discovered a leak in a 55 gallon drum in the back of the trailer. 5 gallons of furfuryl alcohol spilled onto the floor of the trailer and onto the ground. No surface waters were impacted.	Pride Trucking 5499 West 2500 Street Salt Lake City, Utah 84120	The Des Moines HazMat Team responded to the site. Absorbant material was placed on the spilled product. The leaking drum was overpacked and placed back in the trailer.

NUMBER OF LOW RISK SITES APPROVED

During the period of November 1, 1995 through November 30, 1995, the following number of low risk sites were approved:

18(901)

The number in parentheses represents the total number of low risk LUST sites through November 30, 1995.

REPORT OF RELEASES FROM
UNDERGROUND STORAGE TANKS

During the period of November 1, 1995 through November 30, 1995, the following number of releases from underground storage tanks were identified.

10(28)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1994.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Wicker Enterprises, Inc. Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty \$2,000	11/09/95
Yaw's Auto Salvage, Inc. Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty \$2,000	11/09/95
Vernon Kinsinger d/b/a K & K Sanitation, Washington Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$10,000	11/09/95
Gary Watson, Cerro Gordo Co. (2)	Wastewater	Prohibited Discharge	Order/Penalty \$2,500	11/09/95
Elery Fry, Allen Fry and Becky Sandeem, Monroe Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty \$6,000	11/17/95
Waterloo Community School District, Waterloo (1)	Air Quality	Asbestos	Order/Penalty \$10,000	11/21/95
Site Services, Ltd., Waterloo (1)	Air Quality	Asbestos	Order/Penalty \$5,000	11/21/95
Curry Environmental Services, Inc., Marion (1)	Air Quality	Asbestos	Order/Penalty \$10,000	11/21/95
Spencer Municipal Hospital, Spencer (3)	Air Quality	Asbestos	Order/Penalty \$3,000	11/21/95
Clay Contractors, Inc., Spencer (3)	Air Quality	Asbestos	Order/Penalty \$3,000	11/21/95
Morley, City of (1)	Drinking Water	MCL-Bacteria	Emerg. Order	11/22/95
Brian Moore d/b/a Moore Oil Co., Des Moines (5)	Underground Tank	Illegal Deposit	Order/Penalty \$1,000	11/30/95
Roy Burger, Gillette Grove (3)	Underground Tank	Insurance Violation	Order/Penalty \$5,400	11/30/95
Parker Oil Company, Des Moines (5)	Underground Tank	Illegal Deposit	Order/Penalty \$1,000	11/30/95
Sioux Tank Line, Inc., Orange City (5)	Underground Tank	Illegal Deposit	Order/Penalty \$1,000	11/30/95
Rod Peake, Inc., Des Moines (5)	Underground Tank	Illegal Deposit	Order/Penalty \$600	11/30/95
Catherine E. Meredith and Owen Meredith Estate, Atlantic (4)	Underground Tank	Site Assessment	Order	11/30/95

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Blanchard, City of	WS	275	8-22-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Holland, City of	WS	550	8-28-94
Denmark Municipal Water Supply (Denmark)	WS	550	8-28-94
Hide-A-Way Manor (Cedar Rapids)	WS	275	8-28-94
*Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	1,000	9-01-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemburg)	WS	125	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Ponda)	UT	2,800	9-15-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geills Oil Company; Lawrence P. Geills (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
North Coralville Lake Manor (Solon)	WS	450	3-26-95
Curry Environmental Services (Dubuque)	AQ	6,000	3-27-95
Ron Mumby (Iowa Co.)	SW	2,000	4-19-95
Jody Beaver (Cedar Co.)	SW/AQ	2,000	5-27-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Orrie's Supper Club, Inc. (Hudson)	WS	3,000	6-11-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Dallas County Care Facility (Adel)	WS	550	6-13-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Kineth Hotel Corp.; Best Western Westfield (Coralville)	WS	500	7-01-95
Wieland & Sons Lumber Co. (Winthrop)	AQ/SW	3,000	7-04-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
Nishna Valley Community School (Hastings)	WS	1,000	8-05-95
Oscar Hahn (Solon)	SW/AQ	2,000	8-29-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Sheldahl, City of	WS	200	8-30-95
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Orville Long (Polk County)	SW	3,000	9-12-95
Bosson's Quasky Mart (Quasqueton)	WS	100	10-01-95
Ken Frese (Keokuk Co.)	SW/AQ	1,000	10-03-95
Scattergood Friends School (West Branch)	WS	200	10-24-95
Carter Lake, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Searsboro, City of	WW	2,500	11-08-95
*R.V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Yaw's Auto Salvage, Inc. (Des Moines)	SW	2,000	1-15-96
Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	10,000	1-16-96
Edward Bodenstainer (Des Moines)	UT	3,200	-----
Plantation Village Mobile Home Park (Burlington)	WW	1,000	-----
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
Wicker Enterprises, Inc. (Polk Co.)	SW	2,000	-----
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	-----
Waterloo Community School District (Waterloo)	AQ	10,000	-----
Site Services, Ltd. (Waterloo)	AQ	5,000	-----
Curry Environmental Services, Inc. (Marion)	AQ	10,000	-----
Spencer Municipal Hospital (Spencer)	AQ	3,000	-----
Clay Contractors, Inc. (Spencer)	AQ	3,000	-----
Rod Peake (Des Moines)	UT	600	-----
Sioux Tank Line, Inc. (Orange City)	UT	1,000	-----
Parker Oil Company (Des Moines)	UT	1,000	-----
Roy Burger (Gillette Grove)	UT	5,400	-----
Brian Moore d/b/a Moore Oil Co. (Des Moines)	UT	1,000	-----
TOTAL		167,447	

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90

Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	440	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Economy Solar Corp. (Monticello)	AQ	100	6-01-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
TOTAL		36,756	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
J.P. Scherrman, Inc. (Farley)	UT	1,160
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	3,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Galva Union Elevator Co. (Galva)	UT	3,100

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Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	4,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
K-Mart Corporation/Store #7261 (Des Moines)	UT	6,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Tom Wiseman (Sheffield)	UT	3,500
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Riverview Estates (Iowa City)	WS	275
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation-Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
First United Methodist Church (Ft. Madison)	AQ	10,000
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
George Dolan (Northwood)	UT	3,300
Chuck Widner, Jr. d/b/a E.D.O., Inc. (Glidden)	AQ	2,000
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Welch Oil, Inc. (Williams)	UT	10,000
Richard Beckett (Villisca)	UT	1,300
Gilmore City-Bradgate Comm. School Dist. (Gilmore City)	AQ	6,000
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J & R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Allan Brandhoij d/b/a Brandhoij Const. (Gilmore City)	AQ	6,000
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	6,000
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Woden-Crystal Lake Comm. School District (Crystal Lake)	AQ	10,000
Lehigh Portland Cement Co. (Mason City)	AQ	10,000
Otis Schultz d/b/a Schultz Oil Co. (Sac City)	UT	2,200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Larry Royer (Guthrie Co.)	WW	1,000
Randy Ballard (Fayette Co.)	FP	2,000
Perry, City of	WW	10,000
Bacon Addition (Monticello)	WS	375
Riverview Manor (Scott Co.)	WS	375
Sioux City, City of	AQ	10,000
Dan Schwitters; Schwitters Enterprises (Cedar Rapids)	UT	600
Ferris Sullivan d/b/a Sullivan's Sinclair (Preston)	UT	2,000
Leonard Bormann (Preston)	UT	2,000
Economy Solar Corp.; Jeffery C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F&F Metals (Lee Co.)	HC/WW	10,000
Marvin Rozenboom (Mahaska Co.)	SW	3,000
Keck, Inc. (Des Moines)	UT	1,500
Cumberland Ridge First Addition (North Liberty)	WS	550
West Side Unlimited Corp.; West Side Salvage (Benton Co.)	AQ/SW	5,000
Doolittle Oil Company, Inc. (Webster City)	UT	6,500
Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	3,000
Earth Media Technologies, Inc. (Polk County)	SW	3,000
Allison-Bristow Community School District (Allison)	AQ	5,000
Allison Fire Dept.; Allison, City of	AQ	5,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
Mark Twain Meadows Assoc. (Muscatine)	WS	900
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Maple Hill Country Club (Tripoli)	WS	300
Holiday Mobile Lodge, Inc. (Johnson Co.)	SW/AQ	2,000
Shell Rock Products, Inc. (Butler Co.)	SW/AQ	10,000
Woden, City of	WS	500
Michael Glantz d/b/a AAMCO Transmission (Des Moines)	WW/HC	3,500
Colwell, City of	WS	200
Hanlontown, City of	WS	300
DBM, Inc. (Cedar Falls)	AQ	10,000
Jerry McElmeel d/b/a McElmeel & Sons Const. (Monticello)	AQ	5,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Central Community School District (DeWitt)	AQ	5,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Farmers Cooperative Company (Dows)	AQ/SW	1,000
Larson Cont. Inc. (Winnebago Co.)	AQ/SW	1,000
Enviro Safe Air, Inc. (Sioux City)	AQ	10,000
Gary Watson (Cerro Gordo Co.)	WW	2,500

TOTAL 523,776

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The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Rinehart Construction d/b/a North Dallas SLF (Boone Co.)	WW/SW	2,500
Burke Marketing Corporation (Nevada)	WW	3,000
Kellerton, City of	WS	200
Hubert Vote d/b/a Vote House Moving (Gilmore City)	AQ	1,000
Rittmer, Inc. (DeWitt)	AQ	1,000
Magnolia, City of	WS	200
Robert Bodwell (Winterset)	UT	300
TOTAL		8,200

The 1,272 penalty assessed to Jay Browns d/b/a Browns Service (Murray) has been rescinded.

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)		Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94
Advanced Technologies Corp. Cedar Falls (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 1/16/96
American Asbestos Training Center, Ltd. Cedar Rapids (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 3/26/96
American Asbestos Training Center, Ltd. Waterloo (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 1/16/96
Ampel Corporation Des Moines (5)		Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment DNR Motion to Disqualify Attorney Hearing Ruling/Defense Attorney Disqualified Trial Date	12/20/93 2/21/94 9/02/94 10/18/94 11/18/94 12/06/94 11/13/95
Bodwell, Robert Winterset (5)	Updated	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Trial Date Consent Decree (\$300/Admin)	2/21/94 7/21/94 7/11/95 11/06/95
DeCoster, A.J. Wright Co. (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/17/95
Dunkel, Paul L. Delaware Co. (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	6/19/95
Economy Solar Corp. Ft. Madison (6)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 12/06/95
Economy Solar Corp. Waterloo (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 1/16/96
Economy Solar Corp. Cedar Rapids (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 3/26/96

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Ervin, Don Webster County (2)	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
		Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Partial Consent Decree Consent Decree (\$1,000,000/Civil)	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95 5/30/95
Harrison County Board of Supervisors (4)	Solid Waste	Operating Violations	Referred to Attorney General	Referred Petition Filed	2/21/94 7/11/94
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred	11/21/94
Jarvis, Marjorie and Terry Strong Council Bluffs (4)	Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Klocke, Paul and Mary Kay Carroll (4)	Flood Plain	Unauthorized Construction	Order	Referred	10/16/95
Lee, Harold and Evelyn Keokuk Co. (6)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	10/16/95
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Mtg/Rptg Nitrate, Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.) Motion for Judgment	11/16/92 4/02/93 6/30/94
Northwood Cooperative Elevator; Worth Co. Co-op Oil	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order 215.1 Order Suit Filed DNR Answer Consolidation Order 215.1 Order Suit Filed DNR Answer Consolidation Order 215.1 Order	12/07/92 12/28/92 1/05/93 12/22/94 12/07/93 12/28/92 3/10/93 12/22/94 12/15/92 1/04/93 3/10/93 12/22/94
Amoco v. IDNR					
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	10/16/95
Plantation Village MIIP Burlington (6)	Wastewater	Monitoring/Reporting	Order/Penalty	Referred	10/16/95
Rayburn Court for Mobile Homes Mason City (2)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred Petition Filed	11/21/94 5/02/95
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed	10/17/94 5/12/95
Smith, Franklin; Smith Oil Company Mt. Ayr (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date	4/18/94 7/25/94 5/16/95
Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids New	Air Quality	Asbestos	Order/Penalty	Referred	5/15/95

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Protection Commission Minutes

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Waterloo Community School District Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 1/16/96
Wunschel Oil Co.; Vernus, Jaquelyn & Mark Wunschel Ida Grove (3)	Tank	Underground Site Assessment	Order/Penalty	Referred	1/17/95

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Murphy	Hearing continued; additional testing being done.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued. Stipulation of dismissal being prepared.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Iowa Supreme Court decision 2/29/95.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Kennedy	Consent order signed.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up meeting to be held.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Negotiating settlement.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.

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CONTESTED CASES
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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94. SCR initiated.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Claimant completing financial documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Hearing continued.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94. 5/94 letter to F.O. 3 from company regarding submittal of site assessment. 10/94 Letter to facility attorney regarding site assessment. 12/94 Letter from attorney - new work plan submitted to F.O. 3. To be sent to DIA. Hearing set for 12/15/95. Settlement discussions in progress.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD - letter drafted.
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES
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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Settled.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94. Facility to be installed by 11/30/94.
7/20/93	U.S. Dept. of Defense	Administrative Order	UT	Wornson	Settlement expected.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94. Survey completed. Meeting to discuss survey 9/11/94. Survey being reviewed by EPD.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
11/15/93	J.P. Scherman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Favorable ALJ decision. EPC affirmed.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Settled.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.

Environmental Protection Commission Minutes
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
December 1, 1995

December 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
2/09/94	Harold Lee	Administrative Order	WW	Clark	Sent to DIA.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Waiting for decision on judicial review of agency action.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	Settlement close.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3/03/94	Burlington Northern Railroad	Tax Certification	WW	Hansen	Negotiating before filing.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	All SCRs received- negotiating penalty.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	Negotiating penalty.
5/09/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
5/10/94	Dennis Malone; Joanne Malone	Administrative Order	UT	Wornson	Negotiating before filing.
5/27/94	Joseph L. Ranker ; Darl Hollingsworth	Administrative Order	UT	Wornson	Demand letter before DIA referral.
6/03/94	Maquoketa, City of	Administrative Order	WW	Hansen	11/4/94 Construction permit issued to facility for new facilit. Construction to begin immediately and be completed by summer of 1995. Construction of SBR units completed.
6/08/94	Larry & Kelly Miller	Administrative Order	UT	Wornson	SCR submitted. Negotiating penalty.
6/14/94	K-Mart Corp./Store #7261	Administrative Order	UT	Wornson	Closed.
6/15/94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS.
6/20/94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Griffith Oil Corp.	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Larence Otto	Administrative Order	UT	Wornson	Compliance initiated.
7/07/94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	In bankruptcy.
7/12/94	Tom Wiseman	Administrative Order	UT	Wornson	New case. Appeal untimely.
7/15/94	Village Oaks Homeowners	Administrative Order	WS	Hansen	Negotiating before filing.
7/25/94	ACC Chemical Co. Getty Chemical Co.	Permit Conditions	WW	Hansen	Hearing continued indefinitely. Appeal settled. Revised permit under review by appellants.
7/27/94	Twin View Heights 5282301	Administrative Order	WS	Hansen	11/14/94 Letter to facility regarding settlement. 12/94 Response from facility - working toward compliance. 7/26/95 facility in compliance. Dept. offer to reduce penalty.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service	Administrative Order	UT	Wornson	Negotiating settlement.
8/18/94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	Compliance initiated.
8/29/94	Atlantic, City of	Administrative Order	WW	Hansen	Under review by EPD.
8/29/94	B and B Tire and Oil	Administrative Order	UT	Wornson	Negotiating before filing.

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8/30/94	HWH Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/01/94	Elmer R. Faust d/b/a Faust Garage & Grocery	Administrative Order	UT	Wornson	Compliance initiated.
9/02/94	Crabtree Lake Resort	Administrative Order	WW	Hansen	Compliance with AO initiated.
9/06/94	HEW, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9/09/94	American Coals Corp.	Administrative Order	SW/AQ	Kennedy	Bankruptcy filed.
9/15/94	Bankston	Administrative Order	WS	Hansen	1/95-Information from City. Compliance initiated.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Administrative Order	UT	Wornson	Consent order. SCR received.
9/19/94	Burke Marketing Corp.	Administrative Order	WW	Hansen	Penalty paid. Settled.
9/23/94	Chicago and Northwestern Transportation Co.	Administrative Order	SW/WW	Murphy	Negotiating before filing.
9/26/94	James D. Foust	Administrative Order	SW	Kennedy	Negotiating before filing.
10/07/94	Titan Wheel International	Administrative Order	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits.
10/17/94	First United Methodist Church	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/19/94	Ronald Sizemore; Mark Murphy	Administrative Order	UT	Wornson	Negotiating before filing.
10/25/94	Mike Murphy d/b/a Hawley Heating & Air	Administrative Order	AQ	Preziosi	Settled.
10/26/94	Boomsma's Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/27/94	George Dolan	Administrative Order	UT	Wornson	Negotiating before filing.
10/27/94	Chuck Winder d/b/a E.D.O., Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/31/94	Woodbury Co. Highway Dept.	Administrative Order	UT	Wornson	Negotiating before filing.
10/31/94	Owens & Owens Realty, Inc. Keith Owens; Howard Maurer	Administrative Order	UT	Wornson	Proposed decision 10/5/95. Appealed 11/3/95. To EPC 1/96.
11/02/94	Richard Waugh	Administrative Order	UT	Wornson	Compliance/negotiating penalty.
11/07/94	Jerry Smith; Norma S. Nelson	Permit Issuance	FP	Clark	Briefing complete 10/30/95.
11/10/94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/14/94	Tom Babinat d/b/a Tom's Car Care	Administrative Order	UT	Wornson	Negotiating before filing.
11/23/94	Walnut Acres Campground; Fred and Fran Iben	Permit Issuance	FP	Clark	Negotiating before filing.
11/28/94	Richard Beckett	Administrative Order	UT	Wornson	Negotiating before filing.
12/14/94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.

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1/10/95	Steamboat Rock	Administrative Order	WS	Hansen	2/95-Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95 - Construction approved by WS section for chlorination equipment.
1/11/95	Henry and Randy Krohn d/b/a Krohn Construction	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
1/13/95	Gilmore City-Bradgate Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/13/95	James and Roxann Neneman	Administrative Order	UT	Wornson	Inability to pay. Forms sent.
1/13/95	Simonsen Industries, Inc.	Administrative Order	WW	Hansen	2/28/95-Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. They have requested information regarding permit application.
2/14/95	Dennis Sharkey d/b/a Sharkey's Building Wrecking	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/23/95	Woden-Crystal Lake Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/23/95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Negotiating before filing.
2/27/95	Sale-R-Villa Construction	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/23/95	American Coals Corp.	Administrative Order	SW	Kennedy	In bankruptcy.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	Administrative Order	HC	Kennedy	Negotiating before filing.
4/19/95	Otis Schultz d/b/a Schultz Oil Co.	Administrative Order	UT	Wornson	Negotiating before filing.
4/21/95	Randy Ballard	Administrative Order	FP	Clark	Negotiating before filing.
4/26/95	Larry Royer	Administrative Order	WW	Clark	Negotiating before filing.
4/26/95	Central Iowa Power Cooperative (CIPCO)	Permit Conditions	SW	Kennedy	Negotiating before filing.
4/28/95	Perry, City of	Administrative Order	WW	Hansen	Hearing continued pending settlement negotiations.
5/01/95	Central Iowa Power Cooperative	Permit Conditions	SW	Kennedy	Settlement pending.
5/03/95	Bacon Addition Homeowners Assn.	Administrative Order	WS	Clark	Negotiating before filing.
5/04/95	M & W Mobile Home Park	Administrative Order	WW	Kennedy	Negotiating before filing.
5/05/95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/08/95	Riverview Manor	Administrative Order	WS	Clark	Negotiating before filing.
5/19/95	Sioux City, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.
5/23/95	Leonard Bormann	Administrative Order	UT	Wornson	Negotiating before filing.
5/25/95	Ferris Sullivan d/b/a Sullivan's Sinclair	Administrative Order	UT	Wornson	Negotiating before filing.
5/25/95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Administrative Order	HC/WW	Kennedy	Hearing set for 12/21/95.
5/25/95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/30/95	Marvin Rozenboom	Administrative Order	SW	Kennedy	Settlement pending.
5/30/95	Economy Solar Corp.; Jeffrey C. Intlekofer (95-AQ-14)	Administrative Order	AQ	Preziosi	Negotiating before filing.

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5/30/95	Earth Media Technologies	Administrative Order	SW	Kennedy	Negotiating before filing.
5/31/95	E.I. DuPont DeMours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6/05/95	West Side Unlimited Corp.	Administrative Order	AQ/SW	Kennedy	Settlement pending.
6/05/95	Keck, Inc.	Administrative Order	UT	Wornson	Negotiating before filing.
6/06/95	Doolittle Oil Co., Inc.	Administrative Order	UT	Wornson	Negotiating before filing.
6/07/95	Cumberland Ridge Homeowners	Administrative Order	WS	Kennedy	Negotiating before filing.
6/09/95	Don Peterson d/b/a Peterson Backhoe	Administrative Order	AQ	Preziosi	Negotiating before filing.
6/14/95	Salsbury Chemicals	Permit Conditions	WW	Hansen	Informal meeting 12/4/95.
6/16/95	Allison-Bristow Community School	Administrative Order	AQ	Preziosi	Negotiating before filing.
6/16/95	Allison Fire Department; City of Allison	Administrative Order	AQ	Preziosi	Negotiating before filing.
6/16/95	Pilot Oil Corporation	Administrative Order	WW/UT	Murphy	Negotiating before filing.
6/20/95	Toledo, City of	Permit Conditions	WW	Hansen	Negotiating before filing.
6/23/95	Leonard C. Page	Administrative Order	SW	Kennedy	Negotiating before filing.
6/29/95	White Oaks Homeowners Assn.	Administrative Order	WS	Hansen	Negotiating before filing.
7/05/95	Boyer Valley Co.	Administrative Order	WW	Hansen	Negotiating before filing.
7/10/95	Donald Krieger	Administrative Order	UT	Wornson	Negotiating before filing.
7/10/95	Gilbert Persinger	Administrative Order	UT	Wornson	Negotiating before filing.
7/13/95	Organic Technologies Corp.	Administrative Order	SW	Kennedy	Hearing set for 2/2/96.
7/28/95	Harold T. Knott; James C. Knott	Administrative Order	UT	Wornson	Negotiating before filing.
8/01/95	Wilbur McWear d/b/a McWear Oil Co.	Administrative Order	UT	Wornson	Negotiating before filing.
8/02/95	Maple Hills Country Club	Administrative Order	WS	Hansen	Negotiating before filing.
8/18/95	Holiday Mobile Lodge, Inc.	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
8/18/95	Redmond Enterprises, Inc.	Administrative Order	UT	Wornson	Negotiating settlement.
8/23/95	Kellerton, City of	Administrative Order	WS	Clark	Penalty paid. Settled.
8/24/95	Shell Rock Products, Inc.	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
8/24/95	Woden, City of	Administrative Order	WS	Hansen	11/95 - Settlement offer to City.
8/29/95	Iowa City, City of	Administrative Order	WW	Hansen	Negotiating before filing.
8/31/95	Bosson's Quasky Mart	Administrative Order	WS	Hansen	Negotiating before filing.
9/05/95	Michael Glantz d/b/a AAMCO Transmissions Co.	Administrative Order	WW/HC	Murphy	Settled.

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9/06/95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Informal meeting held for 10/10/95. Information to be submitted by Kraft to WS section.
9/12/95	Colwell, City of	Administrative Order	WS	Hansen	Negotiating before filing.
9/19/95	Hanlontown, City of	Administrative Order	WS	Clark	Negotiating before filing.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Administrative Order	WW/HC	Murphy	Negotiating before filing.
10/03/95	DBM, Inc.	Administrative Order	AQ	Preziosi	Sent to DIA.
10/03/95	Jerry McElmeel d/b/a McElmeel & Sons Const.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/09/95	E.L. Incorporated	Administrative Order	SW	Kennedy	Negotiating before filing.
10/17/95	Tri-County Bank	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/17/95	Weber Construction, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/20/95	Central Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
11/01/95	Silver Steel Corp.	Permit Denial	AQ	Preziosi	New case.
11/02/95	Salsbury Chemicals, Inc.	Permit Conditions	WW	Hansen	New case. Informal meeting 12/4/95.
11/03/95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	Administrative Order	AQ	Preziosi	New case.
11/14/95	Farmers Cooperative Co.	Administrative Order	AQ/SW	Kennedy	New case. Settlement pending.
11/14/95	Larson Contracting, Inc.	Administrative Order	AQ/SW	Kennedy	New case.
11/14/95	Mike Barker	GW Professional Denial	UT	Wornson	New case.
11/16/95	Enviro Safe Air, Inc.	Administrative Order	AQ	Preziosi	New case.

Mr. Stokes reviewed the monthly reports and noted that a copy of the 1995 Annual Report of Registry of Hazardous Waste/Hazardous Substance Disposal Sites and Hazardous Waste Remedial Fund was distributed to each Commissioner.

Chairperson King asked if the Economy Solar Corp. trial was held.

Mr. Murphy stated that it went to court and the decision of the Judge was that violations were found but they were only assessed a modest penalty of \$1,600.

Chairperson King inquired as to whether there are additional cases for Economy Solar.

Mr. Murphy indicated that there is another case coming up for them in January or March, but it also involves other parties.

Discussion followed and the Commission requested that a date be added to the reports to indicate when a bankruptcy is filed or case is settled. It was also decided that consistent terminology should be used when a case is "closed" or "settled."

INFORMATIONAL ONLY

CONTRACT WITH JACOBS ENGINEERING FOR AS-BUILT AIR CONSTRUCTION PERMITS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Air Construction Permit Section has had a backlog of permit applications from Iowa industries. Applications for as-built sources have been set aside so that applications involving new construction could be addressed in a more timely manner. An as-built source is one which was constructed without first obtaining a permit.

The Department published notice on September 29, 1995, of its intention to issue a contract for engineering services for review of 154 construction permit projects and to request proposals from prospective firms. A meeting was held with interested parties October 12, 1995, to answer questions regarding this project. One party attended.

Jacobs Engineering submitted the only proposal that the Department received. Their bid amount was \$300,000 for review of 154 projects involving 600 permit applications.

The Commission is asked to approve the issuance of the contract with Jacobs Engineering for review of the as-built permit applications.

Mr. Stokes discussed the air construction permit program and noted that 151 contracts were sent to Jacobs after the Commission's approval last month. Those permits should be issued by the end of January. He explained details of the As-built Permit Program and noted that staff are proposing to have these permits also issued by Jacobs Engineering. He noted that there are 154 projects which amounts to about 600 permit applications.

Discussion followed regarding the publishing of the RFP, who it was mailed to, and why only one bid was received.

<i>Motion was made by Charlotte Mohr to approve the contract with Jacobs Engineering for As-built Air Construction Permits as presented. Seconded by Terrance Townsend. Motion carried unanimously.</i>

APPROVED AS PRESENTED

CONTRACT APPROVAL - DEVELOPMENT OF MODEL PLANS FOR WELLHEAD PROTECTION FOR PUBLIC WATER SUPPLIES AFFECTED BY THE FLOOD OF 1993

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department recommends the Environmental Protection Commission approve an agreement for the expenditure of Federal Stafford Relief Act funds to produce a model which Public Water Supplies can use to develop their own site-specific wellhead protection plans. No State funds are involved. As required with all Stafford grant programs currently underway, this project must also be completed by December 31, 1996. The amount remains within the total grant dollar limitations.

Des Moines Waterworks -- \$194,801.48

This project requires the contractor visit fifty-eight (58) selected Public Water Supplies which reported being affected by the Flood of 1993, assess any wellhead protection systems or plans currently in existence, and report the findings in a brief report to the Department. Information gathered will be used to produce model protection plans which can be used by any PWS. The results are expected to include templates/fact sheets which will become the foundation for the model, training workbooks, and a 30 minute video which explain and educate users on this type of planning.

Nine proposals were received for this project. Each submission was reviewed, on the basis of its own merit, and ranked independently by each member of an internal Committee. Only after final rankings were completed in a full committee meeting were any bids opened. Although the bid was not the lowest received, the proposal itself was felt to be one which would produce some excellent results. With Howard R. Green as the known subcontractor, the project provides considerable depth of expertise that was not felt to be available in the other proposals received.

If approved, projects will begin as soon after January 1, 1996, as possible.

Mr. Stokes explained that the state received funds from the federal Stafford Relief Act. He related that staff received nine proposals for the proposed project. Mr. Stokes noted that a review team scored and ranked each project and the Des Moines Water Works project was chosen.

Terrance Townsend inquired how the information will be provided to the public when the report is complete.

Mr. Stokes stated that copies of the report will be sent to all public water supply systems in the state and a general informational meeting will be set up inviting folks to attend.

William Ehm asked about Des Moines Water Works sub-contracting some of the work to Howard R. Green Company.

Mr. Stokes related that it is not unusual to sub-contract some of the work in these types of projects.

Motion was made by Kathryn Murphy to approve the contract with Des Moines Water Works in the amount of \$194,801.48, as presented. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

GRANTS TO COUNTIES - FY 1997

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department recommends Commission approval for grants to 97 counties for well testing, abandonment and rehabilitation for SFY97. Grants will be \$29,000.00 per county for a total of \$2,813,000.00. These figures are based on the current unobligated balance in the Groundwater Fund agricultural management account and additional receipt of funds expected before the end of the fiscal year. This grant amount was not changed from SFY96 when the combined grant amounts totaled \$29,000 per county.

Ninety seven applications were received for the grant program. No application was determined to be ineligible. Deviations from the actual grant amounts may vary based on the actual final numbers of wells tested, plugged or renovated by each county. Final payment will be determined by actual performance. Based on action of the 1995 Iowa Legislature (Senate File 215), a program for private water well rehabilitation has been established and private water well testing, rehabilitation, and closure combined into a single grant, effective in State Fiscal Year 1997. Changes in IAC 567-47 were recently approved altering this program.

COUNTY NAME		Well Plugging				Water Well Grant	
		FY93	FY94	FY95	FY96	FY97 (received)	Approved
Adair	1	X	X	X	X	X	
Adams	2	X	X	X	X	X	
Allamakee	3	X	X	X	X	X	

Appanoose	4	X	X	X	X	X	
Audubon	5	X	X	X	X	X	
Benton	6	X	X	X	X	X	
Black Hawk	7	X	X	X	X	X	
Boone	8	X	X	X	X	X	
Bremer	9	X	X	X	X	X	
Buchanan	10	X	X	X	X	X	
Buena Vista	11	X	X	X	X	X	
Butler	12	X	X	X	X	X	
Calhoun	13	X	X	X	X	X	
Carroll	14	X	X	X	X	X	
Cass	15	X	X	X	X	X	
Cedar	16	X	X	X	X	X	
Cerro Gordo	17	X	X	X	X	X	
Cherokee	18	X	X	X	X	X	
Chickasaw	19	X	X	X	X	X	
Clarke	20				X	2ND YEAR	
Clay	21	X	X	X	X	X	
Clayton	22	X	X	X	X	X	
Clinton	23	X	X	X	X	X	
Crawford	24	X	X	X	X	X	
Dallas	25				X	2ND YEAR	
Davis	26	X	X	X	X	X	
Decatur	27					NEW	
Delaware	28	X	X	X	X	X	
Des Moines	29	X	X	X	X	X	
Dickinson	30	X	X	X	X	X	
Dubuque	31	X	X	X	X	X	
Emmet	32	X	X	X	X	X	
Fayette	33	X	X	X	X	X	
Floyd	34	X	X	X	X	X	
Franklin	35	X	X	X	X	X	
Fremont	36						INACTIVE
Greene	37	X	X	X	X	X	
Grundy	38	X	X	X	X	X	
Guthrie	39	X	X	X	X	X	
Hamilton	40	X	X	X	X	X	
Hancock	41	X	X	X	X	X	
Hardin	42	X	X	X	X	X	
Harrison	43	X	X	X	X	X	
Henry	44	X	X	X	X	X	
Howard	45	X	X	X	X	X	
Humboldt	46	X	X	X	X	X	

Ida	47	X	X	X	X	X	
Iowa	48	X	X	X	X	X	
Jackson	49	X	X	X	X	X	
Jasper	50	X	X	X	X	X	
Jefferson	51	X	X	X	X	X	
Johnson	52	X	X	X	X	X	
Jones	53	X	X	X	X	X	
Keokuk	54	X	X	X	X	X	
Kossuth	55	X	X	X	X	X	
Lee	56	X	X	X	X	X	
Linn	57	X	X	X	X	X	
Louisa	58	X	X	X		RENEW	
Lucas	59	X	X	X	X	X	
Lyon	60	X	X	X	X	X	
Madison	61	X	X	X	X	X	
Mahaska	62	X	X	X	X	X	
Marion	63	X	X	X	X	X	
Marshall	64	X	X	X	X	X	
Mills	65	X	X	X	X	X	
Mitchell	66	X	X	X	X	X	
Monona	67	X	X	X	X	X	
Monroe	68		X	X	X	X	
Montgomery	69	X	X	X	X	X	
Muscatine	70	X	X	X	X	X	
O'Brien	71	X	X	X	X	X	
Osceola	72	X	X	X	X	X	
Page	73	X	X	X	X	X	
Palo Alto	74	X	X	X	X	X	
Plymouth	75	X	X	X	X	X	
Pocahontas	76	X	X	X	X	X	
Polk	77					NEW	
Pottawattamie	78	X	X	X	X	X	
Poweshiek	79	X	X	X	X	X	
Ringgold	80	X					INACTIVE
Sac	81	X	X	X	X	X	
Scott	82	X	X	X	X	X	
Shelby	83	X	X	X	X	X	
Sioux	84	X	X	X	X	X	
Story	85	X	X	X	X	X	
Tama	86	X	X	X	X	X	
Taylor	87	X	X	X	X	X	
Union	88	X	X	X	X	X	
Van Buren	89	X	X	X	X	X	
Wapello	90	X	X	X	X	X	
Warren	91	X	X	X	X	X	

Washington	92	X	X	X	X	X	
Wayne	93	X	X	X	X	X	
Webster	94	X	X	X	X	X	
Winnebago	95	X	X	X	X	X	
Winneshiek	96	X	X	X	X	X	
Woodbury	97	X	X	X	X	X	
Worth	98	X	X	X	X	X	
Wright	99	X	X	X	X	X	

Mr. Stokes gave a detailed explanation of the grant program along with the department's recommendations for current grant approval.

Brief discussion followed.

Charlotte Mohr asked if staff know how many wells have been plugged to date.

Mr. Stokes stated that statistics on this program are available and will be provided to the Commission.

Motion was made by Charlotte Mohr to approve the Grants to Counties for FY97 as presented. Seconded by Michael Fesler. Motion carried unanimously.

APPROVED AS PRESENTED

STATE REVOLVING FUND, INTENDED USE PLAN - FY 1996

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Approval is requested to hold a public meeting on the proposed Intended Use Plan for the FY 1996 State Revolving Fund. The Environmental Protection Commission was provided the proposed Intended Use Plan at its November meeting. This IUP includes the State Project Priority List which is the list of projects proposed to received loan assistance in FY 1995. A copy of a notice is attached.

EPA requires opportunity for public input on the IUP and Project Priority List. The notice and meeting will allow this input. The IUP will be finalized and presented to the commission in February for approval. An application for the FY 1996 capitalization grant will be submitted to EPA as soon as funds are available.

While Congress has not appropriated funds for this program yet, the department believes that they will. In order to be in a position to make loans when the funds are appropriated, the department is proposing a list of projects to be funded based on last year's allocation. The

proposed list of projects on the Intended Use Plan may need to be modified when the appropriation is made by Congress.

**NOTICE TO IOWA MUNICIPALITIES
INTERESTED IN LOW INTEREST LOANS
FOR WASTEWATER IMPROVEMENTS
December 21, 1995**

**NOTICE OF PUBLIC MEETING
Proposed Intended Use Plan for the administration of a Revolving Loan Fund for
wastewater treatment facilities.**

The Iowa Department of Natural Resources (DNR) will hold a public meeting on January 25, 1996, beginning at 1:30 p.m. in the 5th floor conference room of the Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa. Comments are invited on the proposed State Revolving Fund Intended Use Plan for the State of Iowa Fiscal Year 1996, and the Project Priority List included in the Intended Use Plan.

Written comments will be accepted through January 25, 1996. Oral comments may be presented at the hearing. Requests for copies of the Intended Use Plan or written comments may be directed to Wayne Farrand, Supervisor, Wastewater Section, Iowa Department of Natural Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319 (telephone 515/281-8877 or FAX 515/281-8895).

The Intended Use Plan presents the State's proposed administration of a revolving fund for loans to municipalities for wastewater treatment works construction. It includes a list of eligible applicants to date for fiscal year 1996 assistance. This list of projects is also referenced as the State Project Priority List for Fiscal Year 1996. The plan was developed pursuant to state rules adopted for this purpose (IAC 567--92(455B)). The final Intended Use Plan will be a part of the state's application for a federal capitalization grant to the revolving fund. It is anticipated that the Environmental Protection Commission will act on a final plan at its February, 1996, meeting. The applicants on the Project Priority List are shown below, including those which may be fundable with anticipated funds for fiscal year 1996, and contingency projects:

<u>Projected Fundable Projects</u>		<u>Contingency Projects</u>	
Clear Lake SD 03	\$6,379,000	Clear Lake SSD	\$4,732,000
DNR State Parks 02	\$650,000	Marcus	\$238,000
Eldora	\$2,645,000	Ankeny 03	\$4,344,000
Marcus	<u>\$958,000</u>	Durant	\$1,847,000
Total	\$10,632,000	Fremont	\$605,000
		North Liberty	\$3,000,000
		Blencoe	\$187,000

Adel 03	\$1,624,000
West Des Moines 04	<u>\$800,000</u>
Total	\$17,377,000

(A copy of the SRF-IUP is on file in the department's Records Center)

Mr. Stokes explained details of the IUP, history of the program, and loan applications.

Discussion followed regarding the application process for funding, and dollars coming back in through the repayment of loans.

Motion was made by William Ehm to approve the State Revolving Fund Intended Use Plan for FY 1996. Seconded by Kathryn Draeger. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 134, GROUNDWATER PROFESSIONAL CERTIFICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 134 of departmental rules to provide for certification of Groundwater Professionals under the underground storage tank program.

ENVIRONMENTAL PROTECTION COMMISSION[567] Notice of Intended Action

Pursuant to the Authority of the 1995 Iowa Code Supplement, section 455G.18, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 134, "Registration of Groundwater Professionals." The proposed amendments are intended to implement the requirements for certification of groundwater professionals in 1995 Iowa code Supplement, section 455G.18.

Any interested party may submit written comments to the attention of Keith Bridson, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319 or by FAX number 1-515-281-7212, no later than February 16, 1996.

There will be three public hearings on these proposed amendments: February 6, 1996, at 1 p.m. in the east half of the fifth floor conference room in the Wallace State Office Building, 900 East Grand, Des Moines, Iowa; February 7, 1996, at 10 a.m. in the Denison Community

Hall, next to City Hall, Denison, Iowa; and February 8, 1996, at 10 a.m. in the Iowa City Public Library, Iowa City, Iowa.

This rule may have an impact on small businesses as provided in Iowa Code section 17A.31.

These proposed amendments are intended to implement 1995 Iowa Code Supplement, section 455G.18.

ITEM 1. Amend rule 134.2 as follows:

567--134.2(455G) Registration Certification requirements.

134.2(1) A groundwater professional must ~~register~~ be certified as provided in 134.3(455G) before engaging in activities described in 134.1(455G), except that a person engaging in activities described in 134.1(455G) need not be ~~registered~~ certified if that person is under direct supervision of a ~~registered~~ certified groundwater professional when engaging in such activities.

134.2(2) In order to ~~register~~ be certified as a groundwater professional, a person must be one or more of the following:

- a. A person certified by the American Institute of Hydrology as a Professional Hydrologist, Professional Hydrogeologist, or Professional Hydrologist (Groundwater).
- b. A person certified by the National Water Well Association or Association of Groundwater Scientists and Engineers as a Groundwater Professional.
- c. A person certified by the American Board of Industrial Hygiene as an Industrial Hygienist.
- d. A professional engineer registered in Iowa.
- e. A professional geologist certified by a national organization (e.g., American Institute of Professional Geologists, American Association of Petroleum Geologists, Society of Independent Earth Scientists).
- f. Any person with five years of direct or related experience and training as a groundwater professional or in the field of earth sciences as of June 10, 1991. This must include a minimum of at least two years of education and training, and two years of experience as a groundwater professional.
- g. Any person with a license, certification, or registration to practice hydrogeology or groundwater hydrology issued by any state in the United States or by a national organization, provided that the license, certification, or registration-process requires, at a minimum, both of the following:

- (1) Possession of a bachelor's degree from an accredited college.
- (2) Five years of related professional experience.

134.2(3) In order to be certified as a groundwater professional, the applicant must complete a course of instruction and pass a certification examination offered or authorized by the department, except as provided in paragraph 134.3(3) "a" and subrule 134.3(6).

a. Anyone who fails an initial examination may take a second examination after a 60 day waiting period. Subsequent examinations may be completed as scheduled by the department.

b. Any person registered as a groundwater professional prior to the effective date of this subrule will be allowed to continue performing as a certified groundwater professional for 90 days upon failure of the first examination. Failure of the second examination will result in denial of certification as a groundwater professional.

ITEM 2. Amend rule 134.3 as follows:**567--134.3(455G) ~~Registration~~ Certification procedure.**

134.3(1) *Application.* Application for ~~registration~~ certification shall be made by completing a form provided by the department and submitting evidence of meeting the requirements found in ~~subrule 134.2(2)~~ rule 134.2 (i.e., copy of certificate, license, description of experience and training).

134.3(2) *Registration Certification fee.* The initial ~~registration~~ certification and each renewal application must be accompanied by a nonrefundable fee in the form of a check or money order payable to the Department of Natural Resources. The ~~registration~~ certification fee is \$200 every two years and must be renewed biennially by January 1 of each even-numbered year (i.e., 1994, 1996, etc.). No proration of ~~registration~~ certification fees will be done. The department will assess a fee for each training course and examination, based upon the cost of preparation and administration.

134.3(3) *Deadline for application.* A person must be ~~registered~~ certified in order to provide services as a groundwater professional. ~~after January 1, 1992.~~

a. A groundwater professional who was registered prior to January 1, 1996, is not required to attend the initial course of instruction, but must pass the certification examination by January 1, 1997.

b. Any person who was not registered as a groundwater professional prior to January 1, 1996, must attend an initial course of instruction and pass a certification examination offered or authorized by the department, except as provided in subrule 134.3(6).

c. Groundwater professionals, registered prior to the effective date of this paragraph, may continue to provide the services described for groundwater professionals in rule 134.1 until the groundwater professional certification course and examination are made available by the department. Except as provided in paragraph 134.3(3) "a" registered groundwater professionals must enroll for the course of instruction within 30 days of notice of availability and take the examination upon completion of the course.

134.3(4) *Registration Certification issuance and renewal.*

a. Upon receipt, review, and acceptance of the application and ~~registration~~ certification fee, the department shall furnish the applicant with a ~~registration document~~ certificate showing the name of the individual and the expiration date.

b. In order to remain valid, a groundwater professional ~~registration~~ certificate must be renewed prior to the expiration date specified on the ~~registration document~~ certificate. Renewal applications must be made on a form provided by the department and must be received by the department or postmarked at least 60 days prior to the expiration date of the registration or certification then in effect. The renewal application must be accompanied by the registration or certification fee specified in 134.3(2) and proof of completing the continuing education requirements in 134.3(5).

134.3(5) *Continuing education.* All groundwater professionals are required to complete at least 6 hours of continuing education per year.

a. Groundwater professionals not required to attend the course of instruction in 134.3(3) "a" must attend specified courses, comprising up to 16 hours, offered by the department for their first year of continuing education. These courses may include the policies and procedures for

implementing corrective action rules in 567--Chapter 135 and the applicable principles of Risk Based Corrective Action (RBCA).

b. All certified groundwater professionals or persons applying for certification may be required to attend specified courses applicable to policies and procedures implementing corrective action rules in 567--Chapter 135 as part of the continuing education requirements.

c. Courses other than those provided by the department must be submitted to the department for prior approval as meeting the continuing education requirement.

134.3(6) Exemption from examination. The department may provide for an exemption from the initial course of instruction and certification examination requirements for a professional engineer registered pursuant to Iowa Code Chapter 542B, if the person is qualified in the field of geotechnical, hydrological, environmental, groundwater, or hydrological engineering upon submission of sufficient proof of exemption to the Iowa comprehensive petroleum underground storage tank fund board, as provided in 1995 Iowa Code Supplement section 455G.18(8). A groundwater professional exempted under this provision must meet the continuing education requirements of subrule 134.3(5).

ITEM 3. Amend rule 134.4 as follows:

567---134.4(455G) Suspension, revocation and denial of ~~registration~~ certification.

134.4(1) General policy. It is the policy of the department to enforce standards of professional and ethical conduct which are generally accepted within the professions which qualify persons for ~~registration~~ certification in Iowa as groundwater professionals. The department intends to rely on written standards of professional and ethical conduct and competency which are applicable to persons who qualify for ~~registration~~ certification by virtue of certification by or membership in a professional organization or state licensure as provided in Iowa Code section 455G.18(2).

It is the policy of the department to investigate and enforce standards of conduct by ~~registered~~ certified groundwater professionals which fall within the scope of their professional relationships with the department, their clients and other state regulatory agencies including the Iowa comprehensive petroleum underground storage tank fund board and their agents.

134.4(2) Lack of qualification. The department may suspend, revoke or deny ~~registration~~ certification as a groundwater professional for any of the following reasons:

a. A material misstatement of fact in an application for ~~registration~~ certification.
 b. Failure to provide the fee for ~~registration~~ certification.
 c. Loss of license, certification, or registration necessary to meet the ~~registration~~ certification requirements in subrule 134.2(2).

d. Insufficient proof of qualifications required under rule 134.2. ~~subrule 134.2(2)~~.

e. Failure to successfully complete the certification requirements.

f. Receipt of a "certificate of noncompliance" with a child support obligation and failure to provide a "withdrawal of a certificate of noncompliance" from the child support recovery unit as provided in 1995 Iowa Code Supplement Chapter 252J.

g. Default on an obligation owed to or collected by the state as provided in 1995 Iowa Code Supplement section 421.17(34)"e".

134.4(3) Discipline based on a single act or omission. The department may suspend, revoke or deny ~~registration~~ certification based on substantial evidence of a single act or failure to act. The severity of the sanction may be based on the gravity of the of the act or omission and

on the degree of culpability such as whether it was negligent, knowing, willful, or with such of a degree of reckless disregard as to equate with intentional conduct. Single acts or omissions that may be grounds for discipline include, but are not limited to, the following:

a. Fraudulent omissions or misstatements of material fact in any reports, correspondence or communications with the department.

b. Violation of an ethical standard which the person knew or should have known and which results in or reasonably could have resulted in material consequences.

c. Failure to report the presence of contamination to the parties reasonably believed to be responsible for reporting the contamination to the department as provided in 567--Chapter 131 and 567--135.6(455B).

d. Knowingly making a material false statement, representation or certification on any application, record, report, or document required to be maintained or submitted by department rule or which is voluntarily submitted to the department.

e. Gross incompetence in the performance of groundwater professional services and corrective action.

f. Material misstatement of facts or misrepresentation of information required to be provided pursuant to Iowa Code Chapters 455G and 455B, Division IV, Part 8.

134.4(4) *Discipline based on repeated acts or omissions.* The department may suspend, revoke or deny ~~registration~~ certification, based on substantial evidence of repeated acts or omissions which, when taken together indicate a lack of competency, professionalism, ethical conduct, or adherence to standards of performance generally expected by the profession. The severity of the sanction may be based on the gravity of the acts or omissions and the degree of culpability. Disciplinary sanctions under this subrule will not be applied without providing the person with at least one written notice of the deficiency and a written warning that future repetition may result in discipline. Conduct or omissions which may be a basis for discipline include but are not limited to the following:

a. Repeated incidents of substandard field investigation may result in suspension or revocation.

b. Repeated incidents of substandard, inaccurate or incomplete site cleanup reports and failure to follow site cleanup report instructions may result in suspension or revocation.

c. Conduct warranting a sanction after prior suspension shall result in a more severe sanction.

134.4(5) *Disciplinary procedure.*

a. Prior to issuance of a final department action imposing a disciplinary sanction of suspension, revocation or denial of ~~registration~~ certification, the department shall conduct such lawful investigation as it deems necessary to substantiate material facts sufficient to warrant a disciplinary sanction. The decision to impose a disciplinary sanction shall be made by the administrator of the environmental protection division.

b. Written notice of a sanction shall be sent by restricted certified mail to the person against whom the sanction is imposed. The notice shall provide a brief explanation of the facts relied upon and the sanction to be imposed. The notice shall inform the recipient of applicable appeal rights.

c. A person may appeal a decision imposing a suspension, revocation or denial of ~~registration~~ certification within 30 days of receipt of the notice. Upon timely receipt of the notice of appeal, contested case procedures, including informal settlement, shall apply as

provided in 567--Chapter 7. In accordance with 561--subrule 7.5(2), the department shall initiate pleading by the filing of a petition.

d. Notwithstanding 561--subrule 7.15(7), the sanction imposed shall not take effect until after the contested case hearing and issuance of a proposed decision. If a timely appeal has not been filed, the sanction is effective after 30 days from receipt of the notice. A party may request stay of the sanction, as provided in 561--subrule 7.15(7), after issuance of a proposed decision.

ITEM 4. Add a new subrule 134.4(6):

567--135.4(6)(252J) Noncompliance with support order procedures.

a. Upon receipt of a certification of noncompliance with a support obligation as provided in 1995 Iowa Code Supplement section 252J.7, the department will initiate procedures to deny an application for certification or renewal, or to suspend a certification in accordance with 1995 Iowa Code Supplement section 252J.8(4). The department shall issue a notice by restricted certified mail to the person of its intent to deny or suspend groundwater professional certification based on receipt of a certification of noncompliance. The suspension or denial shall be effective thirty (30) days after receipt of the notice unless the person provides the department with a withdrawal of the certificate of noncompliance from the child support recovery unit as provided in 1995 Iowa Code Supplement section 252J.8(4)"c". Pursuant to 1995 Iowa Code Supplement section 252J.8(4), the person does not have a right to a hearing before the department to contest the denial or suspension action under this sub-rule but may seek a hearing in district court in accordance with 1995 Iowa Code Supplement section 252J.9.

ITEM 5. Amend rule 134.5 as follows:

567--134.5(455G) Penalty. A groundwater professional who fails to ~~register~~ obtain certification with the department of natural resources as required in this chapter is subject to a civil penalty of \$50. A groundwater professional who knowingly or intentionally makes a false statement or misrepresentation which results in a mistaken classification of a site shall be guilty of a serious misdemeanor and shall have their groundwater professional certification revoked.

Mr. Stokes stated that in the interest of time the rules were not presented to the Commission as a proposed rule, which is the normal practice. He reviewed the rules in detail and asked the Commission's approval of same.

Brief discussion followed.

Kathryn Draeger asked in reference to Page 2, under 134.2, if there would be any consideration given to including Professional Soil Scientists Certified by the American Association of Soil Scientists.

Mr. Stokes stated that it would probably take statutory change because the listing of groundwater professionals is straight out of the statute under 455G.18. He related that this section has received a lot of conversation.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 134, Groundwater Professional Certification. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 20, 23, AND 29, AIR QUALITY

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission will be asked to approve the attached Notice of Intended Action. The draft notice amends Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," and Chapter 29 "Qualification in Visual Determination of the Opacity of Emissions," 567 Iowa Administrative Code.

Item 1 updates the adoption by reference date for the definition of volatile organic compounds (VOC) and thereby exempts acetone from the list of VOC.

Item 2 clarifies that the department reserves the right to require proof that the National Ambient Air Quality Standards have not been violated by any source which is being exempted from the air quality construction permit requirement. Presently, air quality construction permits may only be issued when the director concludes that the expected emissions from sources will not prevent the attainment or maintenance of the ambient air quality standards.

Item 3 corrects rule references within the permit by rule for spray booths.

Item 4 corrects an internal rule reference to sources which are exempt from the requirement to obtain a Title V operating permit is corrected.

Item 5 makes changes to 567--22.200-207 to incorporate references to the operating permit by rule for small sources proposed in the new rule 567--22.300 included in this action.

Item 6 changes the date that voluntary operating permit applications may be submitted from 90 days after Title V program approval by the U.S. Environmental Protection Agency, to July 1, 1996.

Item 7 proposes establishing an optional "operating permit by rule for small sources" allowing small sources (sources with actual emissions of less than 50 % of the major source threshold levels) otherwise subject to Title V permitting to register for an operating permit by rule. The proposed rule allows smaller sources to accept annual emissions limits, established in the rule, which restrict their "potential to emit" and thus their exposure to "major source" requirements of the Clean Air Act. Sources meeting the eligibility requirements and submitting the necessary

documentation will be exempted from applying for a Title V operating permit and from paying the Title V fee. Sources eligible for the operating permit by rule must be willing to accept the following limits on actual emissions: for each regulated air pollutant - less than 50 tons per 12-month rolling period; for each regulated hazardous air pollutant, including fugitive emissions - less than 5 tons per 12-month rolling period; and for all regulated hazardous air pollutants combined - less than 12.5 tons per 12-month rolling period.

The rule creates two tiers of responsibility. A de minimus level is established which requires only annual record keeping for sources with actual emissions of regulated air pollutants under 5 tons per year, under 2 tons per year for each single hazardous air pollutant, and under 5 tons per year of any combination of hazardous air pollutants. The second tier (for sources emitting greater than de minimus levels, but still meeting eligibility requirements for the rule) is required to maintain record keeping sufficient to ensure continued compliance with requirements of the rule.

Items 8 and 9 adopt by reference maximum achievable control technology (MACT) standards for hazardous air pollutants for source categories for secondary lead smelting, petroleum refineries, and for aerospace manufacturing and rework facilities. This rule making also amends the MACT standard for Gasoline distribution by clarifying the relationship between the gasoline distribution MACT and regulations established in the petroleum refinery MACT.

Item 10 add language establishing that visible emissions standards of less than 40 % may be established in construction permits.

Item 11 changes the requirements for qualification in visual determination of the opacity of emissions to correct the inadvertent deletion of the requirement that individuals certified in visible emissions observation establish experience in opacity reading with a minimum of 250 readings of black plumes and 250 readings of white plumes.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," and Chapter 29 "Qualification in Visual Determination of the Opacity of Emissions," 567 Iowa Administrative Code.

Item 1 updates the adoption by reference date for the definition of volatile organic compounds (VOC) and thereby exempts acetone from the list of VOC.

Item 2 clarifies that the department reserves the right to require proof that the National Ambient Air Quality Standards have not been violated by any source which is being exempted from the air quality construction permit requirement. Presently, air quality construction permits

may only be issued when the director concludes that the expected emissions from sources will not prevent the attainment or maintenance of the ambient air quality standards.

Item 3 corrects rule references within the permit by rule for spray booths.

Item 4 corrects an internal rule reference to sources which are exempt from the requirement to obtain a Title V operating permit is corrected.

Item 5 makes changes to 567--22.200-207 to incorporate references to the operating permit by rule for small sources proposed in the new rule 567--22.300 included in this action.

Item 6 changes the date that voluntary operating permit applications may be submitted from 90 days after Title V program approval by the U.S. Environmental Protection Agency, to July 1, 1996.

Item 7 proposes establishing an optional "operating permit by rule for small sources" allowing small sources (sources with actual emissions of less than 50 % of the major source threshold levels) otherwise subject to Title V permitting to register for an operating permit by rule. The proposed rule allows smaller sources to accept annual emissions limits, established in the rule, which restrict their "potential to emit" and thus their exposure to "major source" requirements of the Clean Air Act. Sources meeting the eligibility requirements and submitting the necessary documentation will be exempted from applying for a Title V operating permit and from paying the Title V fee. Sources eligible for the operating permit by rule must be willing to accept the following limits on actual emissions: for each regulated air pollutant - less than 50 tons per 12-month rolling period; for each regulated hazardous air pollutant, including fugitive emissions - less than 5 tons per 12-month rolling period; and for all regulated hazardous air pollutants combined - less than 12.5 tons per 12-month rolling period.

The rule creates two tiers of responsibility. A de minimus level is established which requires only annual record keeping for sources with actual emissions of regulated air pollutants under 5 tons per year, under 2 tons per year for each single hazardous air pollutant, and under 5 tons per year of any combination of hazardous air pollutants. The second tier (for sources emitting greater than de minimus levels, but still meeting eligibility requirements for the rule) is required to maintain record keeping sufficient to ensure continued compliance with requirements of the rule.

Items 8 and 9 adopt by reference maximum achievable control technology (MACT) standards for hazardous air pollutants for source categories for secondary lead smelting, petroleum refineries, and for aerospace manufacturing and rework facilities. This rule making also amends the MACT standard for Gasoline distribution by clarifying the relationship between the gasoline distribution MACT and regulations established in the petroleum refinery MACT.

Item 10 add language establishing that visible emissions standards of less than 40 % may be established in construction permits.

Item 11 changes the requirements for qualification in visual determination of the opacity of emissions to correct the inadvertent deletion of the requirement that individuals certified in visible emissions observation establish experience in opacity reading with a minimum of 250 readings of black plumes and 250 readings of white plumes.

Any person may make written suggestions or comments on the proposed rules on or before _____. Written comments should be directed to Catharine Fitzsimmons, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515) 281-8895.

A public hearing will be held on _____ at _____ in _____, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as hearing or mobility impairments, should contact the Department of Natural Resources to advise the Department of any specific needs.

These rules may impact small businesses.

These rules are intended to implement Iowa Code section 455B.133.

The following rules are proposed.

ITEM 1. Amend 567--20.2(455B) as follows:

"Volatile organic compound" means any compound included in the definition of volatile organic compound found at 40 CFR 51.100(s) as amended through ~~October 5, 1994~~ September 21, 1995.

ITEM 2. Amend subrule 22.1(2), paragraph "i", last unnumbered subparagraph, as follows:

The department reserves the right to require proof that the expected emissions from the source which is being exempted from the air quality construction permit requirement, in conjunction with all other emissions, will not prevent the attainment or maintenance of the ambient air quality standards specified in 567--Chapter 28. ~~National Ambient Air Quality Standards have not been violated by any change made when claiming this exemption to the air quality construction permit requirement.~~ If the department finds, at any time after a change has been made pursuant to this exemption, evidence of violations of any of the department's rules, the department may require the source to submit to the department sufficient information to determine whether enforcement action should be taken. This information may include, but is not limited to, any information that would have been submitted in an application for a construction permit for any changes made by the source under this exemption, and air quality dispersion modeling.

ITEM 3. Amend 567--22.8(1)"b" and "c" and "e" as follows:

b. Facilities which facility wide spray one gallon per day or less of sprayed material are exempt from all requirements, except that they must submit the certification in ~~22.8(5)~~ 22.8(1)"e" to the department and keep records of daily sprayed material use. The facility must keep the records of daily sprayed material use for 18 months from the date to which the records apply.

c. Facilities which facility wide spray more than one gallon per day but never more than three gallons per day are exempt from all requirements, except that they must submit the certification in ~~22.8(5)~~ 22.8(1)"e" to the department, keep records of daily sprayed material use, and vent emissions from spray booths through a stack which is at least 22 feet tall, measured from ground level. The facility must keep the records of daily sprayed material use for 18 months from the date to which the records apply.

e. Facilities which claim to be permitted by provisions of this rule must submit to the department a written statement as follows:

"I certify that all paint booths at the facility and listed below are in compliance with all applicable requirements of rule 567 IAC 22.8(1)(455B). I understand that this equipment shall be deemed permitted under the terms of 567 IAC 22.8(1)(455B) only if all applicable requirements of 567 IAC 22.8(1)(455B) are met. This certification is based on information and belief formed after reasonable inquiry, the statements and information in the document are true accurate, and complete." The certification must be signed by one of the following individuals.

(1) For corporations, a principal executive officer of at least the level of vice-president, or a responsible official as defined at 567 IAC 22.100(455B).

(2) For partnerships, a general partner.

(3) For sole proprietorships, the proprietor.

(4) For municipal, state, county, or other public facilities, the principal executive officer or the ranking elected official.

ITEM 4. Amend 567--22.101(1), the first sentence, as follows:

22.101(1) Except as provided in subrule 22.102(1) and (2), any person who owns or operates any of the following sources shall obtain a Title V operating permit:

ITEM 5. Amend 567--22.202(455B) as follows.

567--22.202(455B) Requirement to have a Title V permit. No source may operate after the time that it is required to submit a timely and complete application for an operating permit, except in compliance with a properly issued Title V operating permit or a properly issued voluntary operating permit or operating permit by rule for small sources.

ITEM 6. Amend 567--22.203(1)"a" as follows:

a. Timely application. Each source applying for a voluntary operating permit shall submit an application:

(1) ~~Within 90 days after approval of the department's Title V program by USEPA~~ By July 1, 1996, if the source is applying for a voluntary operating permit for the first time;

(2) At least 6 months but not more than 12 months prior to the date of expiration if the application is for renewal;

(3) Within 12 months of becoming subject to this rule for a new source or a source which would otherwise become subject to the Title V permit requirement after the effective date of this rule.

ITEM 7. Add the following **new** rule 567--22.300(455B) as follows:

567--22.300 Operating permit by rule for small sources. Sources which comply with the requirements contained in this rule will be deemed to have an operating permit by rule for small sources. Sources which comply with this rule will be considered to have federally enforceable limits so that their potential emissions are less than the major source thresholds for regulated air pollutants and hazardous air pollutants as defined in 567--22.100(455B).

22.300(1) Definitions for operating permit by rule for small sources. For the purposes of rule 22.300(455B), the definitions shall be the same as the definitions found at rule 22.100(455B).

22.300(2) Registration for operating permit by rule for small sources.

a. Except as provided in paragraph 22.300(3) and 22.300(11), any person who owns or operates a stationary source and meets the following criteria may register for an operating permit by rule for small sources:

1. The potential to emit air contaminants equal to or in excess of the threshold for a major stationary source of regulated air pollutants, and/or

2. The potential to emit air contaminants equal to or in excess of the threshold for a major stationary source of hazardous air pollutants, and

3. For every 12-month rolling period, the actual emissions of the stationary source are less than or equal to the emission limitations specified in 22.300(6) below, and

4. Operation of the source will not prevent the attainment or maintenance of the ambient air quality standards specified in 567--Chapter 28(455B).

b. Eligibility for an operating permit by rule for small sources does not obviate the sources responsibility to meet any and all applicable federal requirements, including but not limited to, a maximum achievable control technology (MACT) standard.

c. Nothing in this rule shall prevent any stationary source which has had a Title V operating permit or a voluntary operating permit from qualifying to comply with this rule in the future in lieu of maintaining an application for a Title V operating permit or a voluntary operating permit or upon rescission of a Title V operating permit or a voluntary operating permit if the owner or operator demonstrates that the stationary source is in compliance with the emissions limitations in subrule 22.300(6).

22.300(3) Exceptions to eligibility.

a. Any affected source subject to the provisions of Title IV of the Act or any solid waste incinerator unit required to obtain a Title V operating permit under section 129(e) of the Act is not eligible for an operating permit by rule for small sources.

b. Sources which are not major sources but subject to a standard or other requirement under 567--subrule 23.1(2) (standards of performance for new stationary sources) or section 111 of the Act are eligible for an operating permit by rule for small sources only until five years from April 20, 1994. These sources shall be required to obtain a Title V operating permit when the deferment period specified in subrule 22.101(2) has expired.

c. Sources which are not major sources but subject to a standard or other requirement under 567--subrule 23.1(3) (emissions standards for hazardous air pollutants), 567--subrule 23.1(4) (emission standards for hazardous air pollutants for source categories) or section 112 of the Act are eligible for an operating permit by rule for small sources only until five years from April 20, 1994, or until the final promulgation of a federal standard under 40 CFR part 63 to which the source is subject, whichever is earlier. These sources shall be required to obtain a Title V operating permit when the deferment period specified in subrule 22.101(2) has expired or no longer applies.

22.300(4) Stationary source with de minimus emissions. Stationary sources with de minimus emissions must submit the standard registration form. Only the record keeping and reporting provisions listed in 22.300(4)"c" shall apply to a stationary source with de minimus emissions or operations as specified below:

a. In every 12-month rolling period, the stationary source emits less than or equal to the following quantities of emissions:

- (1) 5 tons per year of a regulated air pollutant (excluding HAPs), and
- (2) 2 tons per year of a single HAP, and
- (3) 5 tons per year of any combination of HAPs.

b. In every 12-month rolling period, at least 90 percent of the stationary source's emissions are associated with an operation for which the throughput is less than or equal to one of the quantities specified in subsections 1 through 9 below:

(1) 1,400 gallons of any combination of solvent-containing materials but no more than 550 gallons of any one solvent-containing material, provided that the materials do not contain the following: methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene;

(2) 750 gallons of any combination of solvent-containing materials where the materials contain the following: methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, but not more than 300 gallons of any one solvent-containing material;

(3) 365 gallons of solvent-containing (or volatile organic compound containing) material used at a paint spray unit(s);

(4) 4,400,000 gallons of gasoline dispensed from equipment with Phase I and II vapor recovery systems;

(5) 470,000 gallons of gasoline dispensed from equipment without Phase I and II vapor recovery systems;

(6) 1,400 gallons of gasoline combusted;

(7) 16,600 gallons of diesel fuel combusted;

(8) 500,000 gallons of distillate oil combusted, or

(9) 71,400,000 cubic feet of natural gas combusted.

c. Record keeping for de minimus sources.

(1) De minimus sources shall maintain an annual log of each raw material used and its amount, and each product produced and its production rate. The annual log and all related material safety data sheets (MSDS) for all materials shall be maintained for a period of not less than 5 years.

(2) Within 30 days of a written request by the State or the U.S. EPA, the owner or operator of a stationary source not maintaining records pursuant to subrule 22.300(7) shall demonstrate that

the stationary source's emissions or throughput are not in excess of the applicable quantities set forth in subparagraphs "a" and "b" above.

22.300(5) Provision for air pollution control equipment. The owner or operator of a stationary source may take into account the operation of air pollution control equipment on the capacity of the source to emit an air contaminant if the equipment is required by federal, state, or local air pollution control agency rules and regulations or permit terms and conditions. The owner or operator of the stationary source shall maintain and operate such air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

22.300(6) Emission limitations.

a. No stationary source subject to this rule shall emit in every 12-month rolling period more than the following quantities of emissions:

(1) 50 percent of the major source thresholds for regulated air pollutants (excluding hazardous air pollutants), and

(2) 5 tons per year of a single hazardous air pollutants, and

(3) 12.5 tons per year of any combination of hazardous air pollutants.

b. The owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in actual emissions that exceed the limits specified in paragraph "a" of this subrule.

22.300(7) Record keeping requirements. Upon registration with the department the owner or operator of a stationary source eligible to register for an operating permit by rule for small stationary sources shall comply with any applicable record keeping requirements in this rule. The record keeping requirements of this rule shall not replace any record keeping requirement contained in an operating permit or in a local, state, or federal rule or regulation.

a. A stationary source previously covered by the provisions in 22.300(4) shall comply with the applicable provisions of subrule 22.300(7) (Record keeping requirements) and subrule 22.300(8) (Reporting requirements) if the stationary source exceeds the quantities specified in paragraph 22.300(4)"a."

b. The owner or operator of a stationary source subject to this rule shall keep and maintain records for each permitted emission unit sufficient to determine actual emissions. Such information shall be summarized in a monthly log, maintained on site for ten years, and be made available to local, state, or U.S. EPA staff upon request.

c. Record keeping requirements for certain emission units.

(1) Coating/solvent emission unit. The owner or operator of a stationary source subject to this rule that contains a coating/solvent emission unit not permitted under 22.8(1)(Permit by rule for spray booths) or uses a coating, solvent, ink or adhesive shall keep and maintain the following records:

1. A current list of all coatings, solvents, inks and adhesives in use. This list shall include: information on the manufacturer, brand, product name or code, VOC content in grams per liter or pounds per gallon, hazardous air pollutant content in grams per liter or pounds per gallon, or manufacturer's product specifications, material VOC content reports or laboratory analyses providing this information;

2. A description of any equipment used during and after coating/solvent application, including type, make and model; maximum design process rate or throughput; control device(s) type and description (if any); and a description of the coating/solvent application/drying method(s) employed;

3. A monthly log of the consumption of each solvent (including solvents used in clean-up and surface preparation), coating, ink and adhesive used; and

4. All purchase orders, invoices, and other documents to support information in the monthly log.

(2) Organic liquid storage unit. The owner or operator of a stationary source subject to this rule that contains an organic liquid storage unit shall keep and maintain the following records:

1. A monthly log identifying the liquid stored and monthly throughput; and

2. Information on the tank design and specifications including control equipment.

(3). Combustion emission unit. The owner or operator of a stationary source subject to this rule that contains a combustion emission unit shall keep and maintain the following records:

1. Information on equipment type, make and model, maximum design process rate or maximum power input/output, minimum operating temperature (for thermal oxidizers) and capacity, control device(s) type and description (if any) and all source test information; and

2. A monthly log of hours of operation, fuel type, fuel usage, fuel heating value (for non-fossil fuels; in terms of BTU/lb or BTU/gal), percent sulfur for fuel oil and coal, and percent nitrogen for coal.

(4) Emission Control Unit. The owner or operator of a stationary source subject to this rule that contains an emission control unit shall keep and maintain the following records:

1. Information on equipment type and description, make and model, and emission units served by the control unit;

2. Information on equipment design including where applicable: pollutant(s) controlled; control effectiveness; maximum design or rated capacity; inlet and outlet temperatures, and concentrations for each pollutant controlled; catalyst data (type, material, life, volume, space velocity, ammonia injection rate and temperature); baghouse data (design, cleaning method, fabric material, flow rate, air/cloth ratio); electrostatic precipitator data (number of fields, cleaning method, and power input); scrubber data (type, design, sorbent type, pressure drop); other design data as appropriate; all source test information; and

3. A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.

(5) General emission unit. The owner or operator of a stationary source subject to this rule that contains an emission unit not included in subparagraphs (1), (2), or (3) above shall keep and maintain the following records:

1. Information on the process and equipment including the following: equipment type, description, make and model; maximum design process rate or throughput; control device(s) type and description (if any);

2. A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and

3. Purchase orders, invoices, and other documents to support information in the monthly log.

22.300(8) Registration and reporting requirements.

a. Duty to apply. Any source which would be eligible for an operating permit by rule for small sources must either register for an operating permit by rule for small sources, apply for a voluntary operating permit, or apply for a Title V operating permit. Any source determined not to be eligible for an operating permit by rule for small sources, and operating without a valid Title V or a valid voluntary operating permit, shall be subject to enforcement action for operation without a Title V operating permit. For each source applying for an operating permit by rule for small sources, the owner or operator or designated representative, where applicable, shall present or mail to the Air Quality Bureau, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, at least two copies of a timely and complete registration form in accordance with this rule.

(1) Timely registration. Each source registering for an operating permit by rule for small sources shall submit a registration form:

1. By July 1, 1996, if the source is applying for an operating permit by rule for small sources for the first time;

2. Within 12 months of becoming subject to rule 22.101 for a new source or a source which would otherwise become subject to the Title V permit requirement after the effective date of this rule.

(2) Complete registration form. To be deemed complete the registration form must provide all information required pursuant to subrule 22.300(8)"b."

(3) Duty to supplement or correct registration. Any registrant who fails to submit any relevant facts or who has submitted incorrect information in an operating permit by rule for small sources registration shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, the registrant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete registration.

(4) Certification of truth, accuracy, and completeness. Any registration form, report, or supplemental information submitted pursuant to these rules shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under these rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

b. At the time of registration for an operating permit by rule for small sources each owner or operator of a stationary source shall submit to the department a standard registration form and required attachments. To register for an operating permit by rule for small sources, applicants shall complete the registration form and supply all information required by the Filing Instructions. The information submitted must be sufficient to evaluate the source, its registration, predicted actual emissions from the source; and to determine whether the source is subject to the exceptions listed in subrule 22.300(3). The standard registration form and attachments shall require that the following information be provided:

(1) Identifying information, including company name and address (or plant or source name if different from the company name), owner's name and agent, and telephone number and names of plant site manager or contact;

(2) A description of source processes and products (by two-digit Standard Industrial Classification Code);

(3) The following emissions-related information shall be submitted to the department on the standard registration form:

1. The total actual emissions of each regulated air pollutant. Actual emissions shall be reported for one contiguous 12 month period within the 18 months preceding submission of the registration to the department;

2. Identification and description of each emission unit with the potential to emit a regulated air pollutant;

3. Identification and description of air pollution control equipment;

4. Limitations on source operations affecting emissions or any work practice standards, where applicable, for all regulated pollutants;

5. Fugitive emissions sources shall be included in the registration form in the same manner as stack emissions if the source is one of the source categories as defined in rule 22.100.

(4) Requirements for certification. Facilities which claim to meet the requirements set forth in this rule to qualify for an operating permit by rule for small sources must submit to the department, with a complete registration form, a written statement as follows:

"I certify that all equipment at the facility with a potential to emit any regulated pollutant is included in the registration form, and submitted to the department as required in 22.300(8)"b." I understand that the facility will be deemed to have been granted an operating permit by rule for small sources under the terms of 567 IAC 22.300(455B) only if all applicable requirements of 567 IAC 22.300(455B) are met and if the registration is not denied by the director under 567 IAC 22.300(11). This certification is based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete." The certification must be signed by one of the following individuals.

For corporations, a principal executive officer of at least the level of vice-president, or a responsible official as defined at 567 IAC 22.100(455B).

For partnerships, a general partner.

For sole proprietorships, the proprietor.

For municipal, state, county, or other public facilities, the principal executive officer or the ranking elected official.

22.300(9) Construction permits issued after registration for an operating permit by rule for small sources. This rule shall not relieve any stationary source from complying with requirements pertaining to any otherwise applicable construction permit, or to replace a condition or term of any construction permit, or any provision of a construction permitting program. This does not preclude issuance of any construction permit with conditions or terms necessary to ensure compliance with this rule.

a. If the issuance of a construction permit acts to make the source no longer eligible for an operating permit by rule for small sources, the source shall, within 90 days of issuance of the construction permit, submit an application for either a Title V operating permit or a voluntary operating permit.

b. If the issuance of a construction permit does not prevent the source from continuing to be eligible to operate under an operating permit by rule for small sources the source shall, within 30 days of issuance of a construction permit, provide to the department the information as listed in 22.300(8)"b" for the new or modified source.

22.300(10) Violations.

a. Failure to comply with any of the applicable provisions of this rule shall constitute a violation of this rule.

b. A stationary source subject to this rule shall be subject to applicable federal requirements for a major source, including rules 22.101 through 22.116 when the conditions specified in either subparagraph (1) or (2) below, occur:

(1) Commencing on the first day following every 12-month rolling period in which the stationary source exceeds a limit specified in subrule 22.300(6), or

(2) Commencing on the first day following every 12-month rolling period in which the owner or operator can not demonstrate that the stationary source is in compliance with the limits in subrule 22.300(6).

22.300(11) Suspension, termination, and revocation of an operating permit by rule for small sources.

a. Registrations may be terminated, modified, revoked, or reissued for cause. The following examples shall be considered cause for the suspension, modification, revocation, or reissuance of an operating permit by rule for small sources:

(1) The director has reasonable cause to believe that the operating permit by rule for small sources was obtained by fraud or misrepresentation.

(2) The person registering for the operating permit by rule for small sources failed to disclose a material fact required by the registration form or the rules applicable to the operating permit by rule for small sources, of which the applicant had or should have had knowledge at the time the registration form was submitted.

(3) The terms and conditions of the operating permit by rule for small sources have been or are being violated.

(4) The owner or operator of the source has failed to pay an administrative, civil or criminal penalty for violations of the operating permit by rule for small sources.

b. If the director suspends, terminates or revokes an operating permit by rule for small sources under this rule, the notice of such action shall be served on the applicant by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the action sought, and the proceeding shall in all other respects comply with the requirements of rule 561-7.16(17A,455A).

ITEM 8. Amend paragraphs 23.1(4)"r" and "x" as follows:

r. Emission standards for hazardous air pollutants for sources categories: Gasoline distribution: (Stage 1). These standards apply to all existing and new bulk gasoline terminals and pipeline breakout stations that are major sources of hazardous air pollutants or are located at plant sites that are major sources. Bulk gasoline terminals and pipeline breakout stations located within a contiguous area or under common control with a refinery complying with 40 CFR subpart CC are not subject to 40 CFR subpart R standards. (Subpart R)

~~x. to ad. Reserved.~~ National emission standards for hazardous air pollutants from secondary lead smelting. These standards apply to all existing and new secondary lead smelters sources which use blast, reverberatory, rotary, or electric smelting furnaces for lead recovery of scrap lead that are located at major or area sources. The provisions apply to smelting furnaces, refining kettles, agglomerating furnaces, dryers, process fugitive sources, and fugitive dust. Excluded from the

rule are primary lead smelters, lead refiners, and lead remelters. Hazardous air pollutants regulated under this standard include but are not limited to lead compounds, arsenic compounds, and 1,3-butadiene. (Subpart X)

y. to ab. Reserved.

ITEM 9. Add the following new paragraphs 23.1(4) "ac," and "ag" reserving paragraphs "ae" and "af":

ac. National emission standards for hazardous air pollutants: petroleum refineries. These standards apply to petroleum refining process units and colocated emission points at new and existing major sources. Affected sources include process vents, equipment leaks, storage vessels, transfer operations, and waste water streams. The standards also apply to marine tank vessel and gasoline loading racks. Excluded from the standard are catalyst regeneration from catalytic cracking units and catalytic reforming units, and vents from sulfur recovery units. Compliance with the standard includes emission control and prevention. (Subpart CC)

ag. National emission standards for hazardous air pollutants for source categories: aerospace manufacturing and rework facilities. These standards apply to major sources involved in the manufacture, repair, and/or rework of aerospace components and assemblies, including but not limited to airplanes, helicopters, missiles, and rockets for civil, commercial, or military purposes. Hazardous air pollutants regulated under this standard include chromium, cadmium, methylene chloride, toluene, xylene, methyl ethyl ketone, ethylene glycol, and glycol ethers. (Subpart GG)

ITEM 10. Amend paragraph 567--23.3(2)"d" as follows:
Visible emissions. No person shall allow, cause or permit the emission of visible air contaminants ~~in excess of 40 percent opacity~~ into the atmosphere from any equipment, internal combustion engine, premise fire, open fire or stack, in excess of 40 percent opacity or that level specified in a construction permit, except as provided below and in 567--Chapter 24.

ITEM 11. Amend 567--29.1(455B) as follows:

567--29.1(455B) Methodology and qualified observer. The federal method for visual determination of opacity of emissions and requirements for qualified observers as defined in Method 9, 40 CFR Part 60 Appendix A as amended through November 14, 1990, is adopted by reference.

To qualify as an observer a candidate must, after meeting the requirements established in Method 9, 40 CFR Part 60 Appendix A, have on record with the department a minimum of 250 readings of black plumes and 250 readings of white plumes, taken at approved smoke reading courses.

This rule is intended to implement Iowa Code chapter 455B.

Date

Larry J. Wilson, Director

Mr. Stoked reviewed details of the rules.

Brief discussion followed.

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapter 20, 23, and 29, Air Quality. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

PETITION FOR DECLARATORY RULING--DON GRELL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

Attached is a Petition for Declaratory Ruling, and the decision of the department to not issue a ruling. Don E. Grell, individually and d/b/a Dodger Enterprises, asks for a Declaratory Ruling pertaining to Iowa Code sections 455B.301(21) and 455D.11(2), specifically whether tires held for resale for certain purposes are a solid waste, and whether certain uses constitute land disposal of waste tires. As indicated in the Petition, the questions presented are also involved in a pending contested case and judicial proceeding. Therefore, pursuant to Uniform Rule X.5(4), the department refuses to issue a declaratory ruling.

The Petitioner may appeal the decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the decision. If there is no appeal or review of the decision, it automatically becomes final. On appeal or review, the commission may:

1. Approve the director's ruling, in which case the ruling becomes the final declaratory ruling of the department, or
2. Reverse or modify the declaratory ruling, in which case the modified ruling becomes the final declaratory ruling of the department, or
3. Request additional information from the petitioner, or
4. Decline to issue a ruling, as specified in rule.

BEFORE THE

IOWA DEPARTMENT OF NATURAL RESOURCES

**Petition by Don E. Grell, Individually
and d/b/a Dodger Enterprises,**

For a Declaratory Ruling on

DECLARATORY RULING

**Iowa Code 455B.301(20) and
455D.11(2)**

REFUSAL TO RULE

Don E. Grell, individually and d/b/a Dodger Enterprises, ask for a Declaratory Ruling pertaining to the above-cited statutes, specifically whether tires held for resale for certain purposes are a solid waste, and whether certain uses constitute land disposal of waste tires.

As indicated in the Petition, the questions presented area also involved in a pending contested case and judicial proceeding. Therefore, pursuant to Uniform Rule X.5(4), the department refuses to issue a declaratory ruling.

LARRY J. WILSON, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this _____ day
of November, 1995.

(A copy of the Petition for Declaratory Ruling is on file in the department's Records Center)

Mr. Murphy stated that the department denied to rule on the Petition for Declaratory Ruling because as there was already a pending contested case and judicial proceeding on this matter. He noted that since there has been an appeal there is no need to address the item today as it will come before the Commission next month.

DEFERRED TO NEXT MONTH - APPEAL RECEIVED

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Oscar Hahn (Solon) - solid waste/penalty

Oscar Hahn

Mr. Murphy briefed the Commission on the history of this case involving a penalty order for open burning of solid waste.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Terrance Townsend. Motion carried unanimously.

REFERRED

GENERAL DISCUSSION

Discussion took place in regard to how the public hearings on HF 519 are going and what type of comments are being heard.

IPSCO Permit

Charlotte Mohr asked who will pick up the tab for drilling a new well if some of the neighboring wells to IPSCO go dry.

Mr. Stokes stated that there are well interference laws and rules on the books that provide for compensation to a party for well rehabilitation if a regulated water user has an adverse impact on a nonregulated user. He noted it is built into the water withdrawal permit and makes it clear that it is a condition of compliance with the permit.

Further discussion took place regarding the discharge from the plant, and the water withdrawal permit regulations which are found in 455B.261 of the Code.

APPEAL OF DECLARATORY RULING--LARRY L. BENNETT

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

Larry L. Bennett appeals a Declaratory Ruling interpreting various rules and statutes pertaining to the meaning of the term "recycling" and waste reduction goals. Mr. Bennett contends that a municipal solid waste (MSW) recycling facility, which includes some combustion of materials, with the resulting ash also being recycled, should result in 100% of the incoming wastes being credited as recycling towards meeting waste reduction goals. A copy of his petition, the October 16, 1995 declaratory ruling, and Mr. Bennett's appeal have been provided to the Commission members. The Commission is requested to affirm the Declaratory Ruling.

Mr. Murphy stated that the declaratory ruling being appealed by Larry Bennett requests a ruling on the meaning of the term "recycling," and clarification on the waste reduction goals in

conjunction with a conceptually proposed municipal solid waste facility. He explained that there would be some separation and recycling of incoming materials, and combustion would be the remainder with further recycling occurring at that point. He pointed out that the bottom line is whether 100% of the incoming material would be counted toward the waste reduction goal. Mr. Murphy noted that Mr. Bennett contends there is a difference in the term "incineration," which is defined in the rules and the term "combustion," which is not defined in the rules. He noted that Mr. Bennett feels he is processing the waste to come up to 100% recycling, with the exception of what is burned in the process. Mr. Murphy stated that the department's ruling is that the combustion in no way would be considered recycling of 100% of the incoming waste.

(Copies of the Petition for Declaratory Ruling, the Appeal, and the department's response are on file in the department's Records Center)

Appointment - Larry Bennett

Larry Bennett stated that he is appealing the Declaratory Ruling of the department in response to the three questions listed in his original petition. Those questions are as follows:

- 1) Does the term "incineration" which is defined in the rules have the same meaning as the term "combustion," which is not defined in the rules?
- 2) When combustion is utilized as a process by which municipal solid waste is "separated, or processed and revised or returned to use in the form of raw materials or products," is this recycling?
- 3) Will the volume of municipal solid waste that is recycled when combustion is used as a process by which waste is "separated, or processed and revised or returned to use in the form of raw materials or products," be applicable toward the state required reduction goals?

Mr. Bennett presented his argument on each of the three questions listed in his Petition noting that question #1 was not answered in the department's ruling and should be answered "no." He related that in regard to question #1 the department missed the point of the question, adding that the two processes have a different purpose. He noted that the purpose of combustion in the proposed facility is to process a municipal solid waste of recovered materials for reuse, which accurately fits the definition of recycling.

Kathryn Draeger commented that she does not see any distinction between incineration ash and combustion ash.

Mr. Bennett stated that the purpose of the process is for recycling which is not dealt with in the rules, but the definition of incineration in the rules is for a specific purpose of volume reduction.

Mr. Murphy noted that staff felt the first question was one that did not need to be answered because it is clear in the statute that combustion is not a recycling process. He read excerpts

from the Code under 455D and noted that the Code and rules do not specifically answer Mr. Bennett's questions, but they do say combustion is not a recycling process.

Mr. Bennett stated that questions #2 and #3 should be answered "yes" and expanded on why they should be answered that way.

Discussion followed regarding the Commission's options in this issue; the possibility of a major change in policy depending on how the Commission rules; and complications that could follow certain rulings.

Mr. Murphy noted that Mr. Bennett implies that combustion would encourage recycling, but it would not do that because it is merely a quick and easy way to dispose of the waste. He related that the legislature and past Commissioners made a decision that burning was not the way to go.

Further discussion took place regarding dioxins resulting from burning and that neither the State or EPA has standards for dioxins.

Terrance Townsend stated that he agrees with the department's position in this matter noting that there would be a reduction of wastes by this facility but it could not necessarily be called recycling. He added that there is a need to go with more of a curbside type of recycling.

Motion was made by Terrance Townsend to affirm the Declaratory Ruling of the department. Seconded by William Ehm.

Kathryn Draeger stated that she understands some issues have to be met in reduction and recycling, but in going forward there will be a need to look for new and innovative ways to meet the waste reduction goals. She related that in regard to combustion and incineration, even if the purpose is different, the outcome is the same as they have similar results and she does not see the distinction there.

Vote on Commissioner Townsend's motion carried unanimously.

DEPARTMENT RULING UPHELD

GENERAL DISCUSSION (CONTINUED)

Competitiveness Task Force

Director Wilson gave an update on the Competitiveness Task Force meeting he attended earlier in the day. He noted that in September 1995, the Governor appointed a Competitiveness Task Force to study the tax structure and the regulatory climate in the state to assess the impact on the state's ability to attract quality jobs in the state. He related that the consulting firm of McGladrey and Pullen was hired to study the situation and hold public meetings for comment.

Director Wilson indicated that once the data is complete the consultants will prepare a report for the Governor. He related that it will have some impact on the EPD and is an opportunity to evaluate and make changes in the department. Director Wilson noted that he will attempt to send the Commissioners a copy of the report before it goes to the newspapers.

UST-TAC Report

Scott Young, member of the UST-TAC Committee reported that he attended three of the public hearings on the UST-TAC rules and, for the most part, there was support of the RBCA concept. He added that one critical comment is being submitted in writing prior to the deadline for comments. He said he anticipates there will be other critical comments submitted by the deadline as well. The Committee's greatest concern is getting the rules finalized in a format that works for the department and the professional community that has to implement them.

Staff/Public Meeting at Clear Lake

Charlotte Mohr asked about the public information meeting the department recently held at Clear Lake.

Director Wilson reported on the meeting he held in Clear Lake along with the Deputy Director and Division Administrators and noted that it was well attended by the public, local interests, mayors, legislators, etc. He related that there were some very good questions submitted and the public was happy to have the opportunity for input to the department. He added that he plans to hold more of these meetings at various locations around the state next year.

NEXT MEETING DATES

January 16, 1996 (Tuesday)

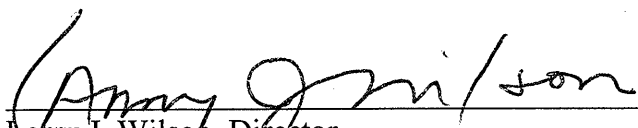
February 19, 1996

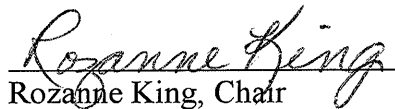
March 18, 1996


Discussion was held on the next meeting and the Legislative Reception. Director Wilson indicated that he will send some options on date and time for the meeting and reception to the Commissioners, and will subsequently advise them of the best date and time available.

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 12:50 p.m., Monday, December 18, 1995.


Larry J. Wilson, Director


Rozanne King, Chair


Charlotte Mohr, Secretary

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